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Magha 13, 1897 (Saka)

LOK SABHA DEBATES

(Fifteenth Session)

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LOK SABHA SECRETARIAT
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LOK SABHA

Monday, February 2, 1976/Magha 13, 1897 (Saka).

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

OBITUARY REFERENCE

MR. SPEAKER: Hon. Members, I have to inform the House of the sad demise of Shri Chandramani Kalo who passed away at his village Kulabira in Orissa on the 26th September, 1975 at the age of 60.

Shri Chandramani Kalo was a Member of the Second Lok Sabha during the years 1957-62 representing Sundargarh constituency of Orissa. An agriculturist and a social worker, he took keen interest in the uplift of the people of rural areas.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may stand in silence for a short while to express its sorrow.

The Members then stood in silence for a short while.

11.01 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER ESSENTIAL COMMODITIES ACT, 1955

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI SHAHNAWAZ KHAN): I beg to lay on the Table a copy of Notification No. G.S.R. 34(E) (Hindi and English versions) published in Gazette of India dated the 22nd January, 1976 extending certain Orders issued under the Essential Commodities Act, 1955 to the State of Sikkim, under sub-section (6) of section 3 of the said Act. [*Placed in Library. See* No. LT-10298/76].

CENTRAL EXCISE (2ND AMDT.) RULES, 1976 AND NOTIFICATION UNDER MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) ACT, 1955

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I beg to lay on the Table—

(1) A copy of the Central Excise (Second Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 77 in Gazette of India dated the 17th January, 1976, under section 38 of the Central Excises and Salt Act, 1944. [*Placed in Library. See* No. LT-10299/76].

(2) A copy of Notification No. G.S.R. 126 published in Gazette of India dated the 24th January, 1976 containing corrigendum to Notification No. G.S.R. 941 published in Gazette of India dated the 2nd August, 1975, under sub-section (4) of section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955. [*Placed in Library. See* No. LT-10300/76].

ANNUAL REPORT ON THE WORKING OF CENTRAL COAL MINES RESCUE STATIONS COMMITTEE, DHANBAD FOR 1973-74

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) on the working of the Central Coal Mines Rescue Stations Committee, Dhanbad, for the year 1973-74. [*Placed in Library. See* No. LT-10301/76.]

ANNUAL REPORT OF CENTRAL SILK BOARD FOR 1974-75

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI A. P. SHARMA): I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) of the Central Silk Board for the year 1974-75, under section 12A of the Central Silk Board Act, 1948. [*Placed in Library. See* No. LT-10302/76].

MOTOR VEHICLES (NATIONAL PERMITS) RULES, 1975

THE DEPUTY MINISTER IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI DALBIR SINGH): I beg to lay on the Table a copy of the Motor Vehicles (National Permits) Rules, 1975 (Hindi and English versions) published in Notification No. G.S.R. 586(E) in Gazette of India dated the 17th December, 1975, under sub-section (3) of section 133 of the Motor Vehicles Act, 1939. [*Placed in Library. See* No LT-10303/76].

PROCLAMATION *re* TAMIL NADU, ORDER BY PRESIDENT *re.* PROCLAMATION AND REPORT OF GOVERNOR OF TAMIL NADU

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): I beg to lay on the Table—

(1) A copy of the Proclamation (Hindi and English versions) dated the 31st January, 1976 issued by the President under article 356 of the Constitution in relation to the State of Tamil Nadu, published in Notification No. G.S.R. 55(E) in Gazette of India dated the 31st January, 1976, under article 356(3) of the Constitution.

(2) A copy of the Order (Hindi and English versions) dated the 31st January, 1976, made by the President in pursuance of sub-clause (i) of clause (c) of the above Proclamation published in Notification No. G.S.R. 56(E) in Gazette of India dated the 31st January, 1976.

(3) A copy of the Report dated the 29th January, 1976 of the Governor of Tamil Nadu to the President (Hindi and English versions). [*Placed in Library. See* No. LT-10304/76.]

SHRI H. M. PATEL (Dhandhuka): Mr. Speaker, Sir, I rise to record our protest against the unwarranted imposition of President's Rule in Tamil Nadu. We wish to express our deep indignation at this blatant violation of the spirit of the Constituion which deprives the people of Tamil Nadu of a Government by their elected representatives. The D.M.K. had 167 members in a House of 235.

There has never been any complaint from the people themselves against the administration by that Government.. (*Interruptions*) I hope that a certain amount of discipline would be maintained by the Chair. Nor is there any evidence to show that they have not looked after, sincerely and conscientiously the interests of their people. This is a clear case of *mala fide* exercise of power given by article 356 of the Constitution and a grave erosion of the Central-State relationship and, therefore, of the federal fabric.

We cannot countenance such a betrayal of the people and of the Constitution.

As a mark of our protest, we have decided to walk out of the House.

Shri H. M. Patel and some other hon. Members then left the House.

SHRI DINEN BHATTACHARYYA (Serampore): On behalf of my party, the CPM, I would like to associate myself with the views expressed by Shri Patel and record our emphatic protest against the anti-democratic promulgation of President's Rule in Tamil Nadu, which is a deliberate misuse of power by the ruling party in the Centre. As a mark of protest, our party has also decided to walk out of the House.

Shri Dinen Bhattacharyya and some other hon. Members then left the House

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11.06 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha —

(i) 'In accordance with the provision of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 29th January, 1976, agreed to the following amendment made by the Lok Sabha at its sitting held on the 27th January, 1976, in the Bonded Labour System (Abolition) Bill, 1976 —

Enacting Formula

That at page 1, line 1,—

for "Twenty-sixth"

Substitute "Twenty-seventh".'

(ii) 'In accordance with the provisions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 29th January, 1976, agreed to the following amendment made by the Lok Sabha at its sitting held on the 27th January, 1976, in the Delhi Rent Control (Amendment) Bill, 1976:—

Enacting Formula

That at page 1, line 1,—

for "Twenty-sixth Year"

substitute "Twenty-seventh Year".

(iii) 'In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Nagaland Appropriation Bill, 1976, which was passed by the Lok Sabha at its sitting held on the 27th January, 1976, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill.'

11.07 hrs.

ARREST OF MEMBER

MR SPEAKER: I have to inform the House that I have received the following telegram dated the 1st February, 1976 from the Additional I.G.P. and Commissioner of Police, Madras:

"I have the honour to inform you that I have found it my duty in exercise of powers conferred by sub-section 3/2C/ read with section 31A2 of the MISA, 1971, that Thiru C. Chittibabu MP. be detained. Thiru C. Chittibabu, MP, who had been taken to preventive custody earlier at 10.00 hrs. was detained and lodged in the Central Prison on 1-2-1976 evening.'

11.08 hrs.

STATEMENT RE. RE-STRUCTURING OF NEWS AGENCIES

THE MINISTER OF STATE OF INFORMATION AND BROADCASTING (SHRI VIDYA CHARAN SHUKLA): Hon'ble Members are aware of the consideration being given for some time to the role and set-up of news-agencies in the country. I now take this opportunity to apprise them of the latest developments.

Opinion has been growing that a well-equipped single news agency is necessary in order to provide to the newspapers of the country as well as to the world media an adequate and objective coverage of events in India. Multiplicity of news agencies has resulted in duplication of effort and waste of resources. Many areas of the country are not covered at all by the news reporting system and, in any case, coverage of developmental activities in rural areas has been meagre. The dynamic changes taking place in all areas of activity with the full cooperation of the people, have not been reflected adequately. A proper image of the country has not been projected to the world media either Consequently, much unfair and motivted criticism has been heaped upon us in the world press from time to time.

These views are shared by all responsible sections in the community of journalists and press-men. The managements of the main news agencies have themselves given serious thought to these considerations. The need for a single news agency, which can be developed into an adequate medium to communicate the tends and events in national life, has been accepted unanimously. Recognising these national considerations, the managing boards of the four teleprinter news agencies, PTI, UNI, Samachar Bharati and Hindustan Samachar, have, during December and January, passed resolutions extending support to the idea of a single national news agency in the country. The employees unions of these four agencies, who represent the journalistic profession, have also similarly expressed themselves in favour of such an agency. It has also been stressed that such an agency should be brought into existence voluntarily and should function independently.

On 24 January, a Society named Samachar was registered under the Socities Registration Act on an application made by seven persons who are leading representatives of the Indian press. The aim of the Society is to develop a news organisation which will cover all aspects of the national life and project these adequately on the national and world media. The managing boards of the four news agencies have now entered into agreements with the Samachar under which they would, for the present, perform all functions on behalf of the Samachar, pending further integration. Such intergration is to take place through mutual negotations which are in progress. With effect from the 1st February, all news-coverage by these agencies is already under the bye line of the Samachar.

It is hoped that these developments would result in the creation of a strong and well-equipped news agency for the country. Government have no doubt that these efforts would lead to the emergence of a national agency which can adequately fulfil the role of a news-medium befitting the size, the complexity and the richness of activities in our country

SHRI S. M. BANERJEE (Kanpur): Whether the Samachar will be handed over to the old members of PTI and UNI or there will be new Members?

SHRI VIDYA CHARAN SHUKLA: I have explained this in my statement. For the time-being, the news agencies have given their full cooperation and have entered into agreements so that while they function as they were functioning before 1st February, 1976, they will use the bye-line of Samachar and

Samachar will undertake to do this work. About new Members, this is an interim committee; this has to be re-constituted after a while but the constitution will take place after other process of integration have taken place.

11.11 hrs.

DELHI LAND HOLDINGS (CEILING) AMENDMENT BILL

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI ANNASAHEB P. SHINDE): I beg to move:

That the following amendment made by Rajya Sabha in the Bill further to amend the Delhi Land Holdings (Ceiling) Act, 1960, be taken into consideration:—

"Enacting Formula

That at page 1, line 1, *for* the word 'Twenty-sixth' the word 'Twenty-seventh' be *substituted."* '

MR. SPEAKER: The question is·

'That the following amendment made by Rajya Sabha in the Bill further to amend the Delhi Land Holdings (Ceiling) Act, 1960, be taken into consideration:—

Enacting Formula

'That at page 1, line 1, *for* the word 'Twenty-sixth' the word 'Twenty-seventh' be *substituted"'*

The motion was adopted.

Enacting Formula

MR. SPEAKER: The question is:

"That at page 1, line 1, *for* the word 'Twenty-sixth' the word 'Twenty-seventh' be *substituted."*

The motion was adopted.

SHRI ANNASAHEB P. SHINDE· I beg to move:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

MR. SPEAKER: The question is:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

11.15 hrs.

REGIONAL RURAL BANKS BILL

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I beg to move:

'That the following amendment made by Rajya Sabha in the Bill to provide for the incorporation, regulation and winding up of Regional Rural Banks with a view to developing the rural economy by providing, for the purpose of development of agriculture, trade, commerce, industry and other productive activities in the rural areas, credit and other facilities, particularly to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs, and for matters connected therewith and incidental thereto, be taken into consideration:—

"Enacting Formula

That at page 1, line 1, *for* the 'Twenty-sixth Year' the words 'Twenty-seventh Year' be *substituted."* '

MR. SPEAKER· The question is·

'That the following amendment made by Rajya Sabha in the Bill to provide for the incorporation, regulation and winding up of Regional Rural Banks with a view to developing the rural economy by providing, for the purpose of development of agriculture, trade, commerce, industry and other productive activities in the rural areas, credit and other facilities, particularly to the small and marginal farmers, agricultural labourers, artisans

and small entrepreneurs, and for matters connected therewith and incidental thereto, be taken into consideration:—

"Enacting Formula

That at page 1, line 1, for the words 'Twenty-sixth Year' the words 'Twenty-seventh Year' be substituted."

The motion was adopted.

Enacting Formula

MR. SPEAKER: The question is:

"That at page 1, line 1, for the words 'Twenty-sixth Year' the words 'Twenty-seventh Year' be substituted."

The motion was adopted.

SHRI PRANAB KUMAR MUKHERJEE: I beg to move:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

MR. SPEAKER: The question is:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

11.17 hrs.

URBAN LAND (CEILING AND REGULATION) BILL

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I beg to move*.

"That the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good, be taken into consideration."

At the very outset I would like to draw the attention of the House to the fact that this is one of the point emphasized by the Prime Minister in her 20-point programme. With the indulgence of the House, I would like to quote from her speech on that occasion:

"Fortunes have been made out of urban land at the nation's expense. Speculation in land and concentration of urban property have led to glaring inequalities and to a great deal of haphazard urban growth. Legislation is being initiated to impose ceilings on the ownership and possession of vacant land, to acquire excess land, to restrict the plinth area of new dwelling areas and to socialise urban and urbanisable land."

SHRI DINEN BHATTACHARYYA (Serampore): Not a word regarding property.

SHRI K. RAGHU RAMAIAH: You have your patience, and I will have my say.

I would like the House to recapitulate also the election manifesto of the Indian National Congress of 1971 and 1972 and the economic policy resolution passed by the AICC in 1973. I would like to quote from the economic policy resolution

The AICC resolution of 1973 pointedly urged as follows:

"Positive urbanisation policy is urgently needed. All urbanisable land

*Moved with the recommendation of the President

should be socialised and the ceiling on the size of new houses to be built by the State authority and private efforts should be fixed. This will eliminate unearned profits, assure planned growth of our cities and provide capital for social housing programmes. Such programmes need massive investment which may not be otherwise available."

We have been watching the various developments in the urban areas in the country. On the one side there has been great migration from rural areas into towns and particularly the metropolitan cities resulting in congestion in the areas concerned. On the other side, great speculation is taking place in the purchase of land which is naturally limited. A lot of black money has gone into it. While the demand for land has increased because of influx of people from rural area to the urban area—there has been difficulty in securing enough and adequate land for housing the economically weaker people.

It is true that there has been some amount of private construction going on all these years, but our experience has shown that this construction is meant to benefit the middle and the richer class, that is to say, except whatever is built in the public sector, most of what is built in the private sector has not been of a nature which would help the economically weaker-sections of the community. And, as I said also, there has been great speculation. Therefore, as I mentioned just now, over the years, there has been a pressing demand both in the All India Congress Organization and in the country that there should be a ceiling put on property so that there can be a rapid socialisation of scarce material like land.

The original concept was, as the House is aware, that there should be a ceiling on the basis of valuation, whether it is Rs. 1 lakh, Rs. 2 lakhs, Rs. 3 lakhs, Rs. 5 lakhs, and it should apply not only to land but to buildings also. On further consideration, we have come to the conclusion that that is not either feasible or advisable. Take, for instance, the valuation concept. The value of land varies from place to place. In fact, in the same city, it can vary from one part to the other part Values also change from time to time. The values in 1973 are not necessarily valid in 1974. Values also change when the importance of the town goes up and down. And also, if we merely fix ceiling on the value of land then a profiteer can buy up all the land within that ceiling depriving the community of proper distribution of land. Therefore, after deeply considering this matter going in depth, this concept of putting a ceiling on the basis of valuation had to be given up.

Again a question arose whether we should apply this ceiling to vacant land only or to buildings also. We found, on a study of this subject, also many many difficulties in applying this ceiling to existing buildings. When we say, for instance, that any building whose plinth area is in excess of 300 or 500, as the case may be, is to be divided by meets and bounds and the rest, that is, whatever is excess, is to be taken over by the State, there will be great anomalies, as you can imagine, depending on whether it is a building which can be conveniently divided or not. It varies from building to building. And secondly, I do not know, whether it is wise to impose an absolute stranger on the family living there. There are grave problems connected with that and, therefore, it has been thought that we should confine ourselves to vacant land. That does not mean that we are not going to do anything about the existing buildings. This Bill is only a beginning of the process of socialisation of urban property.

We have in mind a series of package measures which will take care of

[Shri K. Raghu Ramaiah]

the built up property. I shall enumerate what we have in mind. The measures are: Imposition of urban land tax on vacant land; imposition of urban land tax on land and buildings where such land is in excess of the specified limits and buildings also; imposition of tax on built up area in excess of the specified limits; imposition of development charges on land when these are developed; imposition of conversion charges where the land is proposed to be used for a purpose different from the one for which it was to be used; imposition of restriction on transfer of agricultural land with the urban agglomeration without permission; removal of certain types of restrictions imposed by the Master Plans, zonal regulations, municipal bye-laws which militate against the concept of urban ceiling.

You might legitimately ask why are you not imposing this right now? The whole problem is the jurisdiction of the Parliament. It should be remembered that it comes only under article 252. "Land" falls under Entry 18 of the State List and only to the extent we are empowered under article 252 of the Constitution that we can go ahead with this measure. As the preamble to the Act itself has indicated, about 11 States or so have passed resolutions. Chapter 1, Clause 1, sub-clause (2) has mentioned the States which have passed resolutions under article 252. I would like to quote article 252 here. It reads as follows:

"If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly.

The Bill proceeds on the strength which has come to the Government from the passing of the resolutions by the States. As you see from the wording of resolution passed by the States, it does not cover the question of taxation. I read the resolution passed by the States:

"Whereas this Assembly/Council considers that there should be a ceiling on urban immovable property;

Whereas the imposition of such ceiling and acquisition of urban immovable property in excess of that ceiling or matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250;

Whereas it appears to this Assembly/Council to be desirable that the aforesaid matters should be regulated in the States by Parliament by law;

Now, therefore, in pursuance of sub-clause (1) of article 252 of the Constitution, this Assembly/Council hereby resolves that the imposition of ceiling on urban immovable property and acquisition of such property in excess of the ceiling and all matters connected therewith, ancillary and incidental thereto should be regulated in the State by Parliament by law."

As the hon. Members will notice, the wording of the resolution is, "whereas the imposition of such ceiling and acquisition of urban immovable property in excess of that ceiling and all matters connected therewith". So, the authority given to Parliament is only in respect of urban immovable property. It does nowhere authorise the Centre to levy any taxes on the built-up property. That is why it is proposed alongside the passing of this measure

by Parliament that we give guide-lines to the various States indicating therein what they should do in regard to the items which I have already mentioned regarding taxation.

The idea is to tax buildings beyond a certain limit or a certain value, whatever may be found feasible, in such a manner that it discourages luxury buildings....

SHRI DINESH SINGH (Pratapgarh): Residential and commercial.

SHRI K. RAGHU RAMAIAH: It applies to both. It is a matter of judgment to what extent the commercial building is required for that purpose It will be for the State Governments to impose such limits as they might ultimately decide keeping in view the guide-lines. That is why the Bill is confined now only to the ceiling on vacant land.

Now, I would like to give some of the broad features of the Bill in so far as they relate to the vacant land. We have divided all the urban agglomerations in the country into four basic categories, A, B, C, and D A relates to the Metropolitan cities. Delhi, Calcutta, Bombay and Madras; B relates to urban agglomerations having a population of ten lakhs and above; C relates to urban agglomerations having a population of three lakhs and above and D relates to urban agglomerations having a population of two lakhs and above.

In regard to A, the ceiling is 500 sq. metres; in regard to B, i.e., for ten lakhs and above, it is 1000 sq. metres; for C it is 1500 sq. metres and for D it is 2000 sq. metres. We have also authorised the State Governments, should they choose to do so, to extend it to urban agglomerations with a population of above one lakh and below two lakhs and if they adopt it, what applies to category D will apply to them.

The Bill also seeks to impose restrictions on the plinth area which can be built upon within the area which I have indicated just now.

Now, there are two or three other important aspects of the Bill to which I would like to draw the attention of the House. One is in regard to compensation and the other in regard to certain important exemptions we have given The compensation payable has been indicated. In the case of vacant land which can be assessed for rental purposes or whose rent can be assessed, at 8½ times the average annual rent, and it will take into account the rent for the last five years. Where it is not assessable, the compensation will be, in the case of agglomerations A and B an amount not exceeding Rs. 10 per sq. metre and, for the other two categories C and D, a sum not exceeding Rs. 5 per sq metre. The amount will be payable from the time a notification is issued that the Government has taken over, and 25 per cent of that—not exceeding Rs 25,000 —will be paid in cash and the rest will be paid in bonds carrying an interest of 5 per cent That is about compensation

Now, we have made exemptions in the case of certain categories like the State Government property, Central Government property, charitable endowments, banks, societies registered under the Societies Registration Act...

AN HON. MEMBER: Religious endowments also?

SHRI K. RAGHU RAMAIAH: Yes, religious endowments are also covered.

SHRI R. S. PANDEY (Rajnandgaon): What about war widows?

SHRI K. RAGHU RAMAIAH: They are hardly distinguishable from any other citizen in this context. For this purpose, we are making no distinction.

[Shri K. Raghu Ramaiah]

There are other exemptions which I must bring to the notice of the House. The intention of this Bill is not to prohibit any private construction; it is to encourage private construction. Therefore, we have provided that if any person comes forward and says that in his vacant land he is going to build a construction and give it to the weaker sections of the community, then the State Government is empowered not to put any ceiling on the property, provided they agree to build it in such a manner as the State Government may want, to subserve the common good of the weaker sections of the community.

AN HON. MEMBER: Will they donate it or give it for rent?

SHRI K. RAGHU RAMAIAH: It is subject to such terms and conditions as the State Government may make. We leave it to the State Government.

Then, the second point is that, because the Bill is really a complicated measure dealing with complicated matters, we have authorised the State Government, in a sort of blanket manner, to exempt all cases of hardship.

It is conceivable that in an existing building, there may be a very small bit somewhere which may be in excess. It is not the intention to harass people in such cases or in any way injure their interests. Therefore, it is left to the State Governments to grant the necessary exemption in such cases. Again, in regard to clubs, associations of literary and scientific value and so on, or schools or colleges and other educational institutions, it will be open to the State Governments, if they are satisfied that it is a *bona fide* institution, to give such exemptions as they think fit.

AN HON. MEMBER: What about government bungalows?

SHRI K. RAGHU RAMAIAH: Government bungalows are exempt. The Central Government and State Government properties are exempt because the underlying assumption is that the Central Government and State Governments are responsible authorities and whatever they do, they do for the common good.

These are some of the basic features of the Bill. I shall certainly listen with great interest to the comments from both sides of the House.

SHRI N K. P. SALVE (Betul): What about transfer of super-structure only—transfer of flats?

SHRI K. RAGHU RAMAIAH: I am glad, my attention has been drawn to some other features also. In regard to buildings where there are large compounds—with vacant land therein—what we have said is that whatever is to be left unbuilt under the building regulations, not exceeding 500 sq. metres plus another 500 sq. metres will be exempt from the operation of this.

Then, there are two other salient features. In order to stop speculation and also to facilitate Government taking over, if necessary, the sale of urban property is banned for a certain period. Then, Government has the right of pre-emption If they want to sell, even within the ceiling limit, they have to get the permission of the Government, and Government have the first option to purchase—

SHRI N. K. P. SALVE: My question was this: where only transfer of superstructure in a multi-storeyed building is involved, where the transfer does not include transfer of landed building, whether clause 27 of the Bill would hit such a transfer.

SHRI K. RAGHU RAMAIAH: You can raise it when that Clause comes up.

SHRI DINESH SINGH: If there is a multi-storeyed building, can a flat in that be sold or not—where there is no question of excess of land involved?

SHRI K. RAGHU RAMAIAH: What I have said covers that also. You cannot sell any property, whether it is part of a multi-storeyed building or whether it is a single unit by itself. This is our intention.

AN HON. MEMBER: That may be your opinion.

SHRI K. RAGHU RAMAIAH: When we come to that Clause, we will look into it.

DR. RANEN SEN (Barasat): May I seek another clarification? Has Schedule I been prepared with the help of State Governments or is it that the Central Government has just prepared it?

SHRI K. RAGHU RAMAIAH: On the basis of the Census Reports of 1971.

MR. SPEAKER: Have you finished?

SHRI K. RAGHU RAMAIAH: Yes, for the time being.

MR. SPEAKER: Motion moved:

"That the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good, be taken into consideration."

There are three amendments given notice of for circulation and referring to a Select Committee. Is Mr. Daga moving his amendment?

SHRI M. C. DAGA (Pali): Yes, Sir.

MR. SPEAKER: Mr. Sequeira. He is not present.

MR. DINEN BHATTACHARYYA: He is not present. Mr. Krishan Chandra Halder.

SHRI KRISHNA CHANDRA HALDER (Ausgram): Yes, Sir; I am moving.

SHRI M. C. DAGA: I beg to move:

"That the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to serve the common good, be referred to a Select Committee consisting of 15 members, namely:—

(1) Shri R. V. Bade
(2) Shri Raghunandan Lal Bhatia
(3) Shri Hiralal Doda
(4) Shri Dinesh Chandra Goswami
(5) Shri Indrajit Gupta
(6) Shri C. H. Mohamed Koya
(7) Shri Natwarlal Patel
(8) Shri K. Raghu Ramaiah
(9) Shri P. Narasimha Reddy
(10) Shri Erasmo de Sequeira
(11) Dr. H. P. Sharma
(12) Shri B. R. Shukla

[Shri M. C. Daga]

(13) Shri Tayyab Hussain

(14) Shri K. P. Unnikrishnan, and

(15) Shri G. Viswanathan,

with instructions to report by the 1st April, 1976." (1).

SHRI KRISHNA CHANDRA HALDER: I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th May, 1976."

SHRI DINESH JOARDER (Malda): Mr. Speaker, Sir, in spite of the statement made by the hon. Minister as a matter of apology for not going in for imposition of ceiling or ban on the urban property as a whole, I would like to state that this Bill is a hoax and fraud made on the people of this country after such a long and protracted announcements and declarations made by the ruling party in the last few years that they would go for imposition of ceiling on the urban properties. Now they have come with this Bill for imposition of ceiling on the urban land only This is a mouse that has come out of the big mountain of the promises and the announcements made by the ruling party and the Government in response to the popular demand of all the parties as well as my party, the Communist Party of India (Marxist), and also every section of the people of our country. The demand was for a ban and ceiling on the urban property as a whole.

Sir, in the Statement of objects and Reason, the Minister has himself started by saying that there has been a demand for imposing a ceiling on urban property also, but without going any explanation, why they have abandoned that idea of imposing a ceiling on urban property, they have now come forward with this Bill to impose a ceiling on the urban vacant land only. This is how the ruling party has been giving hoax after hoax to the people of our country. In the name of 20-point Programme, a colourful umbrella raised before the eyes of people, and in the cover of it, they are now taking away all the rights and privileges and civil liberties of the people. In the name of 20-Point Programme, they have introduced, passed and amended MISA, the Press Censor and Regulation Laws, etc., etc., the Draconian laws, and have taken away the right of freedom of speech and all other civil liberties of the citizen of a free country. Similarly, they have passed other laws in this Parliament with the help of their massive majority and in the name of 20-point Programme, these hoax and frauds are being played day after day on the people of our country.

We know, that when the land reforms question came in in the rural areas, it was with a view to ensure equitable distribution of land to the people, particularly to the tillers and the peasantry as a whole of the rural areas. One of the other objectives of imposition of ceiling on the rural areas was that the wealth of the rich landlords and the zamindars which out of the surplus of the harvest that the landlords get every year, they kept locked for unproductive use, a part of the national wealth which was not allowed to be used for productive investments and for development and other welfare purposes of the State, that should be prevented. The abolition of the feudal lords and landlords was for one of the said objectives. After the enforcement of the Land Reform Acts and State Acquisition Acts, now the landlords and the big zamindars who have received a large amount of compensation from the government and are also retaining vast tracts of land in *benami* and in pseudonyms and also by forcible occupation of the vested land, they are getting huge amount of the surplus of the harvest and diverting that money towards urban cities where, with that money, they are purchasing land, constructing buildings and also furnishing them in such a luxurious manner. Thus a large part of wealth is blocked and wasted

on furniture, fittings, fixtures marble stones and other materials of the buildings which are not at all useful rather for unproductive purposes. Thus, the purpose of having a ceiling on rural agricultural land has thus been frustrated, to a large export.

We also know that a huge part of the black money and the untouched wealth of the rich people is now being invested in urban properties as the safe investment. Thus, a large part of the national wealth and productive resources which are coming into the hands of the rich people as their capital gains are being invested in these urban properties and are not being given opportunity for investment in the productive activities of the national life. It was demanded that this should be stopped and the resources mobilised from these sources after putting and imposing a ceiling on the urban property as well, that part of the wealth should be taken away under the control of the State and diverted into productive investments This was mainly the objective of the demand for the imposition of a ceiling on the urban properties. There was also profiteering and racketing in the purchase and sale of urban land in big cities And, what is happening nowadays is that most of the middle class and poor people having properties, particularly, land and buildings, in big cities are being directly or indirectly forced to alienate those properties in favour of the big and rich people in the cities Now, the land and buildings in the urban areas are being concentrated in the hands of a few particular individuals. Also most of the buildings and other urban properties that were previously owned by the poor and middle-class people are now going into the hands of these particular persons who have a lot of black money and untaxed wealth under their command.

That is why we demanded that this sort of profiteering and racketeering in the purchase and sale of the urban land as well as the buildings should be stopped and there should be an imposition of ceiling on both the lands and the buildings in the urban areas. But now in the Bill we see that only a part—a small part—and a fringe of that popular demand has been touched. With the imposition of this Bill only a small portion of the urban properties and very few persons have been effected. Some economists said that hardly 10,000 people would have been affected. That is a very small fragment of the total urban population of our country.

It is also known that a study group was appointed by the Government comprising of high officials to go through the problems on this subject. But we do not know the result of that study group and where is the report and what are their recommendations? That has not been made known to the Members of this House or the other House.

It has been laid down in the Directive Principles of our Constitution *vide* Article 39. It says—

> "that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment".

The Hon'ble Minister very conveniently chose some phraseology from this Directive Principles of the constitution and used in his statement of Objects and Reasons, but the Bill has been drafted in such a manner that the spirit of the Directive Principles has not been taken.

There is strong lobby that is working inside the ruling party as well as the Government for not going to impose the ceiling on the urban property as a whole. This is the lobby that has acted very sucessfully during the past years in deferring the Bill year to year and tried their best to make the Government abandon the idea of

[Shri Dinesh Joarder]

going in for imposition of ceiling on the urban property. Due to the pressure of this lobby the Government has abandoned the idea to impose a ceiling on the urban buildings and other properties and now in a very half hearted manner the Bill has been brought with certain provisions and exemptions in a way that favour has been shown to that lobby. Only a small fragment of the land available in the cities will come under the purview of the Bill.

It has rightly been said that it was a mouse that has come out of a big mountain. And now we are considering a Bill for imposing of ceiling on the vacant land only. What is the meaning of the urban land that is intended in this Bill? What is urban land and what is vacant land? Urban land means any land, according to the Bill 'situated within the limits of an urban agglomeration and referred to as such in the master plan. But does not include any such land which is mainly used for the purpose of agriculture.' Why 'mainly', I don't know. it is because there may be some confusion and in that confusion the person owning land which may have been used for someother purpose but sometimes used for agricultural purposes may take the opportunity of this phraseology saying, mainly used for agriculture and quite a good lot of exemption may be granted on this score. Vacant land means land 'not being land mainly used for the purpose of agriculture, in an urban agglomeration, but does not include land on which construction of a building is not permissible under the building regulations in force in the area in which such land is situated'. What about large plots of land on which slum dwellers have been living? What would happen to them? This is neither used by the land owners nor by the dwellers, neither there are regular Government-authorised construction, according to the master plan or any other plan, or any other municipal regulation etc. There are hundreds and thousands of slums dwellers and Jhuggi and Jhompri dwellers which are not covered and a large part of the money is being extracted from such people by landowners. What will happen to these vast plots of land situated in cities? There is no clear reference to this in the Bill. Regarding the ceiling in the Bill, here it is started that there will be 500 sq. metres only. Please see Cl, 4(1) (a). Here we find that the ceiling is put there. But for land appertaining to buildings there is 500 sq. metre exemption, also,

12.00 hrs.

Then, for the total vacant space, the owner will claim 500 sq. meters as exemption and, if he has a building appurtenant thereto, there too, he may claim 500 sq. meters. That means the total may come to 1,000 sq. meters. In fact, in reality, the exemption comes to 1,000 sq. meters. And the ceiling in above 1,000 sq. meters because these people who can retain vacant land in a city may have their own building—residential dwelling houses—in the other plots of land. Hence they can detain that land. When they have a building also appur tenant thereto and, in that piece of land and the building appurtenant thereto there is an exemption of 500 sq. meters and also there is an exemption, for the total vacant land, of another 500 sq. meters it may even total to more than 1,000 sq. meters.

MR. SPEAKER: Kindly conclude now.

SHRI DINESH JOARDER: As regards exemption, there are many clauses under which exemptions may be claimed. There is scope as also an opportunity on the part of Government as well as various persons authorised in this behalf to show favour and, thereby, some malpractices may come in under the provisions of this Bill. Exemptions are given in a very wide field and the rate of compensation is also very high. Compensation is dealt with in clause 11 of this Bill. It is very high. What would be income from such a vacant land if there are

plots of land adjacent to each other? In one plot of land there may be a certain income while in the other plot of land there may be certain other income But, for this provision the rate of compensation may not be the same for all the owners of the adjacent land. And the compension may vary from one plot to the other plot in the same area Moreover the clause is very vague when it says 'the income from such a vacant land ' Does this mean the income of the hutments will also come under this clause? Whether the slum dwellers will be allowed to stay on the land bustees and slums? You have excluded the agricultural land, then what else should there be? This is not also clear The rate of compensation per sq meter is also very high We demanded that all lands should be confiscated and forfeited from these big persons who have the lands and a lot of money by racketeering and profiteering in the vacant lands Why should their lands be not taken over without any compensation?There should have been a certain limit for the persons who have accumulated wealth As per records of direct taxes for those who have got the black money, the voluntary disclosure of income and wealth to some extent has brought them in light The lands of those persons from the urban area should have been taken away without giving them any compensation at all

Coming to Clause 20(1) (a) the State Government may show a specific favour to certain persons to whom they want to give some concessional licences Under that clause they can give such preference and much benefits to a particular individual landlord Sir I want that more cities in West Bengal and of some other States should also come under Schedule 1 that is particularly Siliguri land New Jalpaguri and Barasat cities of West Bengal should have been listed in schedule I In fact, a city with a population of more than two lakhs should also come under this schedule Siliguri and Now Jalpaiguri which are growing like big cities should also come under this Schedule

MR SPEAKER Kindly conclude now

SHRI PRIYA RANJAN DAS MUNSI (Calcutta—South) He is not referring to his area he is referring to some other area

SHRI DINESH JOARDER This Bill will apply only to vacant land There are built houses with vast lawn space there are bunglows with vast space around in the capital cities This Bill does not apply to them Thus a loophole is provided to evade the application of the ceiling on vacant lands

I would request the Minister to reconsider the whole matter and bring forward a comprehensive Bill imposing a ceiling on all the properties in urban cities

MR SPEAKER The time allotted for this Bill is 6 houres, 4 hours for general discussion and 2 hours for the clauses and third reading I propose to call the Minister at about 3 20 P M (*Interruptions*)

SHRI BHOGENDRA JHA Jainagar) I have a constitutional objection to this Bill

MR SPEAKER You can raise it. That is not on the allotment of time

That is a different matter

So I propose to call the Minister at 3 20 or latest by 3 30

SHRI BHOGENDRA JHA After 4 P M

MR SPEAKER We will stick to 3 30 otherwise the time for the clauses and third reading will be reduced

SHRI BHOGENDRA JHA Lest our labours go in vain, I want to raise one thing The Government have not circulated the recommendations of the State legislatures So we do not know what is contained therein. Just now

[Shri Bhogendra Jha]

I heard the Minister say something about it.

I think this Bill violates art. 252 of the Constitution. The recommendations of the various State legislatures are with regard to immoveable urban property.

MR. SPEAKER: They have been placed in the Parliament Library for reference by members.

SHRI BHOGENDRA JHA: I have heard what the Minister stated. So I am referring to it.

MR. SPEAKER: Are you intervening?

SHRI BHOGENDRA JHA: I am on a point of order, raising a constitutional point on which your ruling is required.

Article 252 says:

> "If it appears to the Legislatures of two or more States to be desirable that any of the matter with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States it shall be lawful for Parliament to pass an Act for regulating that matter accordingly.."

Here I want to emphasise the words 'to that effect' and 'accordingly'. The Legislatures of several States have passed resolutions recommending to Parliament the enactment of legislation for putting a ceiling on urban immoveable property. Accordingly, here the legislation can only be in respect of urban immoveable property, not only a ceiling on vacant land. So I think this Bill, as it is, a clear violation of this article. Your ruling is required on this.

SHRI K. RAGHU RAMAIAH: I may answer it straight way. Urban immoveable property includes not only buildings but also land. Land is also an urban immoveable property, not only buildings. Now, what we have done is to give effect to that part of that resolution. That is all. It is nothing contrary to what is there. There is no contradiction. We are giving effect to the resolution to the extent that land is concerned. It is also urban immovable property. There is no contradiction between that resolution and this Bill. It is true the Bill does not cover the entire immoveable property but the resolution nowhere says that you cannot do it in respect of part only.

SHRI BHOGENDRA JHA: You have heard him. The article provides that Parliament should enact 'accordingly', not simply part. He has said land and now he has made it 'vacant land' in the Bill. There is no power according to the Constitution to enact for 'part' as he says and to make this discrimination. It is a very vital issue and in order to serve the interests of the urban money bags, is violating the spirit of the Constitution which makes a clear provision. You should give thought to the matter.

SHRI RAGHU RAMAIAH: I do not want to enter into any argument just now across the Table. But I certainly resist with all the force at my command the insinuation that we have subserved to other interests in doing this.

MR. SPEAKER: I think there is no point of order in this because the hon. Minister has explained that the State legislatures had passed resolution and they had been kept in the Library.

SHRI BHOGENDRA JHA: Constitution gives power to Parliament to enact accordingly.

MR. SPEAKER: I am not here to interpret the Constitution. I am only concerned to see that the procedural requirement for consideration of this Bill is met.

SHRI BHOGENDRA JHA. If the Bill violates the Constitution

MR. SPEAKER It will be for the courts, I cannot decide on that

SHRI K RAGHU RAMAIAH My reply is already on record.

MR. SPEAKER So far as the procedure is concerned, resolutions have been passed by the state legislatures More than that I am not called upon to say by way of interpretation.

SHRI BHOGENDRA JHA The word used in the Constitution is 'accordingly' Can you allow us to move a Bill like this in the House We have no right to do so

MR SPEAKER I have given my ruling

SHRI N K P SALVE (Betul) I am grateful to you for giving me an opportunity for making a few submissions on this Bill before this House Before I start making my submissions I want to bring to your notice what I consider to be a very extra ordinary practice in Lok Sabha today, to which we were not used in this House and I think it is a very important matter to which I should draw your attention It has never happened before, it has happend for the first time and I hope it never happens again Therefore, I am bringing this particular matter to your notice, Mr Speaker When we asked for a copy of the Bill, we were told that we should go to Mr Patnaik and get a slip from him and then only we will be given a copy of the Bill It is an extremely improper thing and I hope it will never be repeated again I have the higest regard for the bureaucracy in the Lok Sabha Secretariat, they do their best I do not know, probably Bills might have been in short supply or there might have been other difficulties I know the culture of the Lok Sabha Secretariat is quite different from the other secretariats to which we are used and therefore it would be extremely improper for any one of us to impute any motives Even such a small matter is something which has upset us tremendously and I hope this will never happen again. I am only bringing it to your notice so that we are entitled to copies of Bills and they must be given when we ask for them, we should not be left on the mercy of any bureaucrat of the Lok Sabha Anyway I am not imputing any motives, they are officers working here and I have seen that they go out of their way to give all help to us usually but even one lapse of this nature is one too many

Coming to the Bill, I do not think there could be any doubt in the mind of any one who makes a sincere, dispassionate and objective evaluation of the various salutary and salient provisions of this Bill, that this Bill is an extremely important landmark in our progress towards achieving our social objectives whatever might have been the motives imputed by the hon Marxist Member Joardar that this was an attempt by us once again to hoodwink It was unfair for the hon. Member to impute such motives in a measures like this, I thought, on the other hand, he would welcome this Bill as it takes positive steps which were necessary to achieve the social objectives which we have in our mind and which we have kept as our ultimate aim.

This is one step in a direction which the Marxist Member, I thought, of all the people would very highly commend However, for obvious reasons, of political motivations, he has found some ulterior motives in our bringing this legislation which, I think, is not very fair of him This is an extremely important and delicate legislative measure It is going to have a far reaching impact on our economy as such As to how deeply it will affect our economy I shall advert to a little later Therefore, I wish that the Bill was not passed in such a haste and that it had been referred to the Joint Committee Had it been referred to a Joint Committee, we could possibly in

[Shri N. K. P. Salve]

the course of a month or two, deliberate over this bill and rationalise the provisions and plug various loopholes and palpable and clear injustices and inequities which have been left in the Bill. However, one cannot ever minimise the extremely laudable and the salutary objectives which to a very substantial degree this Bill is going to achieve and I have no doubt in my mind that large scale racketeers and profiteers in the business of construction will all now be edged out of their business. And the great speculators in land and land speculators in big cities, especially Bombay, Delhi Calcutta and Madras and other cities like Bangalore, Ahmedabad, Hyderabad, etc. would find themselve completely set at naught as a result of this enactment. That provisions of allotment of vacant land by Govt. need considerable modifications. I do not find in Clause 23, which is the only clause vesting powers in the State Government to allot acquired land, to statutorily allot the same to the lower-middle class people who have been deprived of a house of their own for long years. Under the provisions as they are, they cannot look forward to building up cheap houses so that they and their families can comfortably live in the same. The four objectives of the Bill are clear and glaring in the Statement of Objects and Reasons. Objectives 2 and 4 are very important which are to bring about socialisation of the urban land and the urban agglomeration to subserve the common good by ensuring equitable distribution.

Sir, this ceiling in urban agglomeration would have no meaning unless it is also coupled with proper equitable distribution amongst those who need and deserve land. It is not fair for the State Government to use this land as a lever to allot land to the State employees. There is a specific provision in Clause 23 to that effect. The Minister will take care of it and explain as to why in Clause 23 a special mention has been made that the State Government can allot land to Government employees who can hold it in excess of the ceiling prescribed herein. I do not want any Government servant to be brought in here for allotment for the land acquired must be distributed to those who belong to vulnerable section, to less privileged and under-privileged sections. If the Government servants are not less-privileged and under-privileged, they should be kept out of it. Otherwise, this bill would be completely defeating the purpose for which it is intended. There are various aspects of the bill to which I beg to draw the Minister's attention so that if not in this bill at least later on he will duly consider this aspect of the matter and bring forward suitable amendment to the legislation. The first and the foremost aspect, which strike me in this legislation as extremely inequitous and unjust, is that there is no reference whatsoever to the money value of the land to come in for ceiling. The land, which a man owns at Bombay at the Nariman Point land entitled to retain with him, under this Bill, will be worth of Rs. 50.0 lakhs. But a person in Nagpur or Sholapur or Kolhapur will not be able to keep land worth even Rs. 20,000 or Rs. 25,000. It is extremely unjustifiable and inequitous. What is the justification for a person to hold land worth of Rs. 50.0 lakhs, ultimately if the idea is socialisation, Certainly the concept involves substantial reduction in the value of the property which a person is holding. You are going to penalise the person whose land's value in the outskirts of Nagpur is eight annas or one rupee per square-feet.

Suppose someone has 25,000 sq. ft; at 50P per sq. ft., it comes to Rs. 12,500 and his surplus half the land would be taken. But if a person holds 4500 sq. ft. of land at Nariman Point in Bombay, its value is Rs. 45 lakhs or maybe more. So, to enforce this ceiling in all the States without any reference to the money value brings about

a patent inequity in the ceiling as such. This principle is in my humble opinion not very fair and proper. I request the minister to consider this aspect of the matter.

To some extent, I agree with Mr. Joarder. People holding large immovable properties and extensive buildings in Bombay, Calcutta, Ahmedabad, Bangalore and other places, worth crores of rupees, will also be entitled to the same ceiling as a middle class person or a small businessman holding a little piece of land, to construct a house for himself and his family. He is put on the same footing as a person owning large palaces on Bombay's Marine Drive or in front of Lotus Theatre, Bombay, worth crores of rupees-property sold by Shrimati Scindia. The people who are owning crores of rupees worth of immovable of properties—they have already divided their land between the various members of the family—will badly be hit by this ceiling. Each one of them will be entitled to the same ceiling as a small worker or a tiny businessman with a small shop. If you want to implement the resolutions passed by the States sincerely, you must liberalise the ceiling in favour of those who do not have any immovable property and make the ceiling tighter in case of those who already have residential houses. Then there would be a just, equitable and fair working of ceiling and not otherwise.

Then, the retrospectivity of the provisions of the Bill is extremely inadequate. For the last three or four years, continuously people have been dividing the land either by gift, sale or otherwise. I think sufficient attention has not been given to the retrospectivity of the provisions. This is where the buresaucrats have failed completely. Perhaps they do not have a sufficient idea of what is happening outside and the way the hard-headed business community works in advance to defeat all the provisions of the Bill.

SHRI ERASMO DE SEQUEIRA (Marmagoa): Why blame the bureaucrats? It is the Minister who is to be blamed.

SHRI N. K. P. SALVE: I request the minister to consider what the bureaucrats have given to him and see whether or not the retrospectivity is sufficient. I submit that all transfers of land in the preceding five years should be brought within the purview of this Bill for examination and scrutiny by the competent authority. All transactions of people who have parcelled out their land either by gift or sale to benamis etc. should be declared null and void straightway by law. Unless that is done, those people who could afford to get the best legal advice would get away with it cheaply and those who were not able to get legal advice would suffer. Those who thought that at least Government will allow them to keep Rs. 50,000 worth of land will suffer. As I said, in Nagpur, at the outskirts, the land is worth 50P or 75P per sq. ft. and a person owning 50,000 sq. ft. of land worth approximately Rs. 25,000 or 30,000 is deprived of his land under this Bill.

A man who does not have any immovable property and has invested his entire savings in this, is also to be given compensation at par with other owners of huge immovable properties. I request you to consider this aspect of the matter. Be liberal to those who have only one *bona fide* piece of land for their residential purposes.

Clause 23 is the only clause which vests powers in the State Government for making allotment of the land which will be taken over by the Government. With your permission, I shall read out two or three lines of this clause. Clause 23 deals with vacant land and it says :

"It shall be competent for the State Government to allot, by order, in excess of the ceiling limit any

[Shri N. K. P. Salve]

vacant land which is deemed to have been acquired by the State Government under this Act or is acquired by the State Government under any other law, to any person for any purpose relating to, or in connection with, any industry or for providing residential accommodation of such type as may be approved by the State Government to its employees and it shall be lawful for such person to hold such land in excess of the ceiling limit."

I am unable to understand the rationale behind this provision. A brother bureaucrat is helping another brother bureaucrat. This provision must be deleted. The land has got to be given to vulnerable sections, to under-privileged and to nobody else.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): The intention of this provision is to give land for the employees of an industry and not Government employees.

SHRI N. K. P. SALVE: If it is the intention, then distinction should be made between the land allotted to the industry and to the industrialist.

If you are going to put the employees of the industry, then be careful, even the Managing Director will come as the employee of the industry. And then, there will be all sorts of problems.

There is another aspect of the matter. What is the position of various industries which are coming up? I am extremely concerned about it beause somebody came to me and told me that he had acquired land to put up 12 sheds. One of the sheds had been constructed and the rest of the land was entirely vacant. If you were to go by the provisions of this Bill, the land for the rest of 11 sheds is taken over by the Government. I would submit that a specific provision should be made that land which is acquired for an industry will not be deemed to be a vacant land. Unless that is done, it is likely to create very many difficulties.

I come to the last point and this is also an important aspect of the matter. It is that the construction activity forms hard core of our economy. We are glad that the construction activity has been taken over from the hands of racketeers and big speculators by this legislative measure. That is an extremely redeeming feature of this Bill. But is there any provision in this Bill that simultaneously we should organise mechanism and machinery by which the State Government agencies or semi-State Govt. agencies would immediately take up construction etc. of small or other houses? If ever construction activity comes to a standstill for two or three years as a result of this Bill, it is going to be disastrous for our economy.

And again, the inflationary spiral will start rising, because suspension of constructive activity is the most pernicious and disastrous thing that can happen to an economy. I find that the State Governments have been given the right to distribute land. What about the obligation on the State Govts to ensure that the construction will also come about on those vacant lands? Therefore, I wish that the Minister, while replying, does consider this aspect of the matter and let us know what he has to say. In the end, I congratulate the Minister for taking a very bold step at long last. The vulnerable and poor sections can, as I had submitted, look forward to having a house. For God's sake, streamline this bill, as a result of which these people, who could not ever in the urban agglomeration bored to construct a house, can look forward to having a house now. You will have their blessings; you will have their thanks in their prayers.

SHRI BHOGENDRA JHA (Jainagar): Mr. Speaker, Sir, we need not go into the details with regard to the chequered history of this bill. For the last 10 years there have not only been demands, but promises, commitments, announcements and resolutions by the ruling party itself, for imposing a ceiling on urban property in various forms There was enough justification for it As we all know, in our country, as has been made out in the 17th round of the National Sample Survey, 55 per cent of the households in the urban areas own no land at all About 4 16 per cent of households holding 10 acres and more of urban land, hold 74 73 per cent About 20 per cent own about 0 05 per cent And that is the picture with regard to the land held by various sections in the towns And, Sir, we also have the Reserve Bank of India study About 20,000 plus wealth tax assessees hold over or around Rs 11,063 crores worth of land, even according to the grossly under-estimated and evaded returns that have been filed Against such a background, it is only welcome that a bill of such a nature is moved in this House for immediate enactment And as the Objects here narrate—I need not read out the entire Objects which have been read out by the Minister, they are also unexceptionable because they lead to the ceiling on urban property

> 'It is, therefore, considered necessary to take measures for exercising social control over the scarce resource of urban land with a view to ensuring its equitable distribution amongst the various sections of society "

Again it says

> "The bill is intended to achieve the following objectives —
>
> (i) to prevent concentration of urban property in the hands of a few persons and speculation and profiteering therein;"

So, the first objective of the bill, as provided here, is with regard to the ending of concentration of urban property in a few hands, not only of land Here we get these as the objectives But when they come to concrete facts, it is very much disappointing The Minister has said that he has in mind some other measures, taxation etc. For that, I think this Parliament has not to do anything, because those taxes are levied by local bodies, municipalities etc They had that power earlier also To-day the Minister has forewarned them I also wish to say that for the last ten years we have been campaigning, demanding and promising a measure like this As such, this measure should provide that any transfer any transaction—real or *benami*—that has been undertaken during this period should be declared null and void But as Mr Salve has said, a period of five years will be taken But even that can be made as ten years But here, this bill provides for it only from the 17th February 1975 but even that with regard to certain States and with regard to certain other States it has been left open

So from a ceiling on urban property we have come to a ceiling on land Then even though the name of the Bill is Ceiling on Urban Land Bill it is given effect only in the case of vacant lands When we go into the details, I will explain how a major portion of even the vacant land have been left out of the purview of the Bill On top of all that we have to see how it is implemented in practice

Parliament has got enough powers under articles 249 and 250 to enact legislation on this subject Article 249 say,

> Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is neces-

[Shri Bhogendra Jha]

sary or expendient in the national interest that Parliament should make laws with repect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force."

So, if Rajya Sabha decides by two-thirds majority, this legislation can be enacted. Further, article 250 is to cover the period during the promulgation of emergency. We are now passing through a period of emergency and I do not think the emergency is going to be lifted tomorrow. But, instead of bringing in the legislation under articles 249 or 250, the Minister has taken refuge under article 252. That is why we say that it will be applicable only in those States which have passed resolutions to that effect. So far as other States are concerned, it will come into force when they also pass resolutions in their Legislature to that effect. Therefore, it is a forewarning given to the manipulators in other States of the country that they should dispose of their lands as early as possible That is why I say that this is a half-hearted attempt by the Government with some half-hearted motivations.

We also know how it has been watered down in every possible way. Take the case of definition of a "family" Here the definition is: "'family' in relation to a person means the individual, the wife or the husband, as the case may be, of such individual, and their unmarried minor children. The explanation is: "For the purpose of this clause, 'minor" means a person who has not completed his or her age of eighteen years." So, if a minor child gets married, he or she will become another "family". In this way, we are going to encourage infant marriage in our country. It is ridiculous that while an unmarried child below the age of eighteen is covered by this term "family", it does not cover a minor who has married. So, by this measure you are encouraging the violation of the law. You could have avoided this by simply deleting the word "unmarried". The result of this provision will be social upheaval on account of infant marriage. I do not think the person who has drafted this measure is so ignorant of the implications of this. He should have deleted the word "unmarried".

The definition of "land appurtenant", after mentioning that it shall in no case exceed five hundred square metres states:

> "and includes, in the case of any building constructed before the appointed day with a dwelling unit thereon, an additional extent not exceeding five hundred square metres of land."

The ceiling under clause 4 is 500, 1000, 1500 and 2000 square metres in various cases and over and above that here a further 500+500 square metres are allowed. So, by these definitions we are making the whole enactment infructuous so that the purpose for which it is brought is defeated.

Similarly, "urban agglomeration" has been defined as:

> "any other area which the State Government may, with the previous approval of the Central Government having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Official Gazette, declare to be an urban agglomeration..."

No State Government has yet taken any such measures. In such a situation, is it necessary to prescribe the previous sanction of the Central Government? Do you want the State Governments to proceed in this direction or do you want to put a break? We are enacting on a uniform basis for the whole of the country. So, why is this previous sanction necessary?

If the population does not exceed one lakh, the State Government cannot enforce this without the previous sanction of the Central Government. So, these are the various loopholes in the definitions by which we are taking away by one hand what is sought to be given by the other.

Regarding the ceiling ranging from 500 to 2000 square metres, as my colleague has already pointed out, it need not be as high as this. It should be reduced to at least half.

Further, why exclude other towns and cities in the country?. Why not include at least the divisional and district headquarters of the whole country? We know that there is dearth of land for housing purposes throughout the country. About 75 per cent of the urban dwellers have no land for building their own houses. When this is the condition, I do not know why there should be this exclusion. I think the hon. Minister should take courage. We can pass it tomorrow if necessary, but he should consult Government meantime and see that this is made applicable to the whole country.

Coming to vacant land, it is said that if one has got a building on it, the land on which the building is situated will not be acquired. What does Government want? Does it want to encourage landlordism and the system of *pagris*, the system of semi-slavery that is being adopted by the house-owners and landlords in the cities and towns? So, why can't land include also the portion on which the building is situated? Even if he is very generous to them; even if he feels that 500 sq. metres or 1000 sq. metres or 1500 sq. metres or 2000 sq. metres are necessary, why don't you include that land on which a building is situated itself?. I think even the vacant land including the land on which a building or a part of it is situated can be included.

As far as the bonafide sale with regard to vacant land, if any, is concerned, that will be excluded. Who will judge this? Naturally, the concerned officer will judge it. So, the impetus is being given for corruption, for bribery to see that all such transactions are included in the bonafide category. I think you are implementing this Act so late. After so many exemptions, why is it necessary again that the justified sale should be excluded from this? I think it is very difficult to understand or appreciate these things.

Again another thing is provided here. If any transfers have been made under the State Act recently enacted or exemptions given by the State, then these will be treated as bona-fide transactions. That is an extra point. Here you are enacting one uniform legislation for the whole country. Why is there lack of *uniformity*? Why is there this encouragement for accepting these things?

As far as compensation is concerned, apart from the points that have been raised by my friends just now, it is high. The more atrocious point is the net income from the produce as written in the registers of those land owners. They are given on the basis of 8.33 per cent or at times three times of that produce or income. That will be calculated for the compensation. That means the entire amount will be given to them. Even according to the bank rate, they will get 12 per cent interest per annum from that amount for ever. So, it is not a ceiling; it is simply a purchase. Is it necessary to go to that length and tax the exchequer. It means you are taxing the public exchequer. So, I think the compensation must be brought down. Otherwise, the very objective that has been stated and the social purpose are totally defeated.

With regard to calculating of compensation for the produce, for the gross income, for the net income, there will be an enquiry. It means again there will be scope for corruption and bribery. Why do you provide loopholes for this? For doing these things, an appeal will be made to a tribunal

[Shri Bhogendra Jha]

and from the tribunal it will go to the High Court. Why is it necessary? We have seen from our experience how our High Courts and the superior courts behave in this matter and we need not blame them, because naturally they do not belong to the landless category nor under the present set up it is possible that they may belong to that category. How is it necessary to provide for that that they must go in for a second appeal to the High Court? I think again either we are misleading ourselves or misleading the country or both together.

As far as the atrocious thing is concerned, I think the Minister has slightly touched this point. But in this category, I think most of the vacant land will be included and perhaps very little land can be made available and the land owners will not be lagging behind in taking advantage of this thing.

Then there is a question of educational, cultural or scientific institutions or all sorts of clubs. We know there is a Golf Club in Delhi. In Patna also, there is a club. I do not know if anyone goes there. We know any club can be formed by a group of persons anywhere. All these institutions, private institutions or public schools formed or established by anyone will be excluded. It is atrocious. Even after spelling out the objective, it will be very difficult to adhere to it. I do not know what is the entire purpose of the Bill. One clause after another, one sub-clause after another, goes on watering down the provisions of the Bill.

Then, private banks have been excluded. Why should you exclude private banks? What have banks to do with 3 or 4 or 5 acres of vacant land? The banks need land where building is there. Why should you exclude them from the purview of the Bill? Even at this stage, the Government should consider this point.

Again, about the point which Mr. Salve made, giving these exemptions for which the State Governments have been authorised, on the one hand, it will harm the objective of the Bill and, on the other hand, it will encourage corruption, nepotism and everything. If you leave it to different States, various authorities, Collectors, etc. I do not know what kind of a heterogenous measure will emerge out of it.

Coming to the Schedules, some cities and towns have been excluded: some parts of cities and towns have been left out. It is atrocious. Take, for example, Calcutta. It is good that you have included it. Even the areas at a distance of 15 miles or 20 miles have been covered. What about Barasat? I have personally gone to Barasat. The area on the other side of Dum Dum has been excluded. Barasat falls within the Calcutta Metropolitan Development Authority. That has been excluded. Several Ministers own land there personally. Let them clarify the position. The Ministers of West Bengal Government and even at the Centre. I do not know own land there.

Similarly, the entire city of Patna has been included, very correctly. But Danapur has been excluded. I do not know why. What interest is being served thereby, I do not know. Who are the persons who are being helped?

I think, in this way, the whole Bill is resembling like a proverbial mouse coming out after digging the whole mountain. It is very disappointing. The whole country was expecting a Bill on putting the ceiling on property, at least on the urban land property. With all these exemptions, it is a very much disappointing Bill. It is a travesty of the fulfilment of the promises that have been made to the people up till now.

SHRI H. M. PATEL (Dhandhuka): Mr. Speaker, Sir, I certainly accept the aims and objects of this Bill and the spirit that has moved the Government

to bring it forward before the House. But I must say that the Bill will be very greatly improved if it could be referred to the Select Committee.

The hon. Members who have spoken before me, Mr. Salve and Mr. Bhogendra Jha in particular have drawn attention to so many defects, deficiencies and omissions in the Bill that it seems to me that they have made out an almost unanswerable case for referring it to the Select Committee. What is the point in rushing through a Bill of such importance? I agree that there has been a great deal of delay. What is to be gained, however by putting on the statute book an incomplete measure?

SHRI S. M. BANERJEE (Kanpur): On a point of order, Sir. There are so many amendments coming even now from the Government side. You give us time to go through them. My submission is that you give us time till tomorrow to go through the amendments. Let us have the second reading of the Bill tomorrow. There are so many amendments and some are coming even now.

SHRI K. RAGHU RAMAIAH: As you will see, the amendments are mostly of a drafting nature or of a clarificatory nature. You will find that they don't affect the substance of the matter. You may go through them and....

SHRI S. M. BANERJEE: Now can we go through the amendments when we are hearing the speeches.

(Interruptions)

SHRI K. RAGHU RAMAIAH: They are all of a clarificatory or a drafting nature. The number does not matter because in quality they are not very material.

SHRI ERASMO DE SEQUEIRA: How can this Bill be considered by the House in this shape? It should go to a Select Committee.

SHRI K. RAGHU RAMAIAH: All the amendments are already there except those in response to the points raised by the Hon. Members. The amendments *suo motu* sent by the Government are over.

SHRI BHOGENDRA JHA: We want to read them and have our own opinion and also to find out the implications of the amendments.

MR. SPEAKER: We will come to the clauses when we come to the second reading stage.

SHRI BHOGENDRA JHA: I have not read these amendments. You must allow us time to read them and have our own opinion about them.

MR. SPEAKER: When we come to the clauses, we will see.

SHRI ERASMO DE SEQUEIRA: How can we read all these amendments right now?

MR. SPEAKER: We have not come to the clauses yet....

SHRI S. M. BANERJEE: I am not against the amendments; nor am I questioning their authority. My only submission is that, after carefully going through this, kindly allow us also to move amendments to the amendments.

MR. SPEAKER: I have said that that stage will come when we come to the second reading; I cannot decide now.

SHRI S. M. BANERJEE. At least till 4 o'clock kindly permit us time.

MR. SPEAKER: If the amendments come up before that time, I will decide then.

Mr. Patel may continue.

SHRI H. M. PATEL: I was saying that there are really good grounds for referring the Bill to a Select Com-

[Shri H. M. Patel]

mittee. I would request the Minister to kindly listen to me and consider seriously our suggestion that this Bill be referred to a Select Committee. I realise, of course, that there has been a great deal of delay already. Nevertheless, the delay was presumably because you considered this to be an important Bill and you did want to make it as perfect and satisfactory as possible. If this was your intention, then the various points made by Shri Salve and Shri Jha—and I will add some others of my own— will show to you how important it is that this Bill be referred to a Select Committee. I don't agree with everything that Mr. Jha or Mr. Salve has said but, certainly, the points that have been raised need to be carefully considered. They may be acceptable partly or wholly or they may not be acceptable at all, but they need to be considered in depth, in a matter like this.

Mr. Salve mentioned, for instance, that the definition of 'vacant land' itself is not satisfactory. Now, this goes right at the root of the Bill. Why do you want to have the law amended soon after it has been enacted, for these very deficiencies are certain to come to light immediately? Now, if the ground is that we must now make up for lost time, then I would suggest that the Select Committee be asked to report this matter within a couple of months or three months. Let it be specifically asked to sit here and do the job. There are various conditions and various limitations which can be imposed so that the report of the Select Committee can come here in time. However, you ensure that the Select Committee completes its work early. I do urge that this Bill would greatly gain by reference to it even from your own point of view in achieving the objectives that you have and, to a considerable extent, that we also have.

13.00 hrs.

It has been said that the large number of amendments which have only just been circulated are only verbal. Are they purely verbal amendments? Let me show that there are amendments which cannot be described as just verbal amendments....

AN HON. MEMBER: All amendments are verbal.

SHRI H. M. PATEL: Yes, I stand corrected. What I had in mind was that these were amendments which were of substance, and not just of form or omission or clarification. For instance, he wants an 'Explanation' to be added: "....In relation to any vacant land owned by the Central Government means the Central Government, any vacant land owned by any State Government not situated in a Union Territory...." and so on. These are not just clarifications. These are omissions of a serious nature which you have now spotted. May I suggest that one would quite easily discover many more omissions....

SHRI K. RAGHU RAMAIAH: It is clarification of that omission.

SHRI H. M. PATEL: All right. Have it that way. Nevertheless, you may discover many more such omissions. I think, reference to a Select Committee is clearly called for, if you really want this Bill to serve the purpose that you wish it to serve in an effective manner. In your latest amendment just circulated, you have suggested that, after line such and such, the following lines be inserted. And how many lines are being inserted? About 30 to 40 lines are being inserted. Yet, you say, it is merely something of form. Please see Amendment No. 136 which says that on page 7, line 31, at the end of Clause 4, something should be added. Sub-clause (8) of Clause 4 reads as follows:

"Where a person, being a member of a housing cooperative society registered or deemed to be registered under any law for the time being in force, holds vacant land allotted to him by such society, then, the extent of land so held shall also be taken into account in calculating

the extent of vacant land held by such person."

And he goes on to add to that two more sub-clauses, (9) and (10). Yet, we are told that this is merely a clarification or clarification of an omission. I do wish that he takes these remarks of ours or suggestions of ours more seriously than he appears to do at the moment.

Take Mr. Salve's point that the retrospective effect proposed in the Bill is inadequate. I do not think that he is right. Nevertheless, he has some point there. He says that, if we do not give adequate retrospective effect, than a number of people who ought to come within the mischief of this Bill will escape. That is a point which ought to be gone into seriously. As I said, I do not agree with the suggestion that it should be as much as five years because that is a period when even the idea of such a Bill was not publicly mooted.

SHRI K. NARAYANA RAO BOBI LI: The State Governments passed the Resolutions in 1971.

SHRI H. M. PATEL: If you want to go into that, I might suggest that it should have retrospective effect from the date when rural land ceiling was brought in. Why should you impose ceiling on rural lands and not on urban land? But that would not be a very practical way of dealing with the matter. The point is that the Bill has to have some retrospective effect and how much retrospective effect would be proper, sound and justifiable, is a matter which ought to be discussed properly in a Select Committee. I repeat, therefore, that this Bill should be referred to a Select Committee and I would urge the Minister to accept it and say that the Select Committee submits its report within a matter of two or three months. Three months would be a reasonable time, and that would mean the report would come before the Budget session ends and it would enable you to get it through the session, if you consider that further delay is not desirable. As a result you will have, this House will have and the country will have a much more satisfactory Act. I would also like to say that I am glad that the Minister has clarified that he has in mind further Bills to make the whole concept complete.

SHRI K. RAGHU RAMAIAH: Sir, I would like to clarify that the matters which I have mentioned and about which guidelines would be issued are matters over which the Central Government at the moment or the Parliament have no jurisdiction ; they are within the jurisdiction of the State Government. So, we will give them guidelines as to how to implement these things.

SHRI H. M. PATEL: This makes it more necessary and to my mind, strengthens my suggestion for a reference to a Select Committee, because what kind of guidelines should be given to the State Governments is of particular importance in that context. Therefore, I think, the Minister should be good enough to consider this request seriously and accept our suggestion to refer it to a Select Committee.

SHRI ERASMO DE SEQUEIRA: Sir, once it is accepted that this Bill is going to have a retrospective effect, the fact that it goes to a Select Committee, would not in any manner upset the position as it.... exists in the country. In fact, with a better Bill, we would probably get a much faster implementation of the objectives.

SHRI JAGANNATH RAO (CHATRAPUR): Sir, I welcome this measure. One of the main objectives of the measure is to socialise the land and impose the ceiling on the ownership of such land in urban areas. This is one way of checking the generation of black money. People who have got black money go on purchasing vacant land in urban areas and sell that at fancy prices; this evil

[Shri Jagannath Rao]

can be checked by this measure. But I do not know, if a person owns more than one house in an urban area, what is going to happen. This Bill does not make any provision in regard to that. It is only limiting the extent of urban land, but a person owning more than one house, any three or four houses, is allowed to have the houses. Would the ceiling on urban property in a sense mean the imposition of a limit on ownership of property also? If I have six houses in Delhi, only the extra land is being taken out, my ownership of six houses is not being taken out. It is only an attempt of limiting the extent of urban land, and this Bill can achieve that limited extent.

So many amendments have been given notice of by the Government, I think, 99 to 137. I have had no time to go through the amendments; I am, therefore, not able to make any observations thereon.

13.10 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The other point I would say is about the retrospective effect of this Bill as stated by the speaker that preceded me. The Minister has relied on the election manifesto of the AICC of the Year 1971. At least that should have been the date for the coming into force of this Act. The retrospective date should be related to 1971 and not February 1975 so that any transfers made meanwhile would be hit by this Bill and the object would be achieved.

Mr. Salve spoke about the discrimination in the price level of the urban land. It is true that the value of land varies from urban area to urban area and also from locality to locality in the same urban area. But this discrimination is sought to be minimised by fixing and laying down varying limits in clauses (a), (b), (c) and (d) of clause 4(1) of the Bill. In the case of an Urban agglomeration of category A it is 500 sq. metres while in the case of category D it is 2000 sq. metres. Still, the discriminations would remain because the value of the land depends on the importance of the area and the locality.

I cannot understand one thing. The Bill defines Master Plan. For Delhi, we have a Master Plan but the entire area covered by the Master Plan is not covered by this Bill, only a 5 km. periphery is included in this Bill. If you have a Master Plan already, why don't you bring the entire area covered by the Master Plan into the scope of the Bill? The Master Plan, for Delhi, if I remember right, extends beyond Faridabad and Ballabgarh in Haryana on one side and beyond Bahadurgarh on the other side and even includes Ghaziabad and Modinagar. These areas are excluded. Even in the State List in U.P. of Schedule I, they have not included these areas—Ghaziabad and Modinagar.

Regarding Haryana and 3 other states, there is no schedule at all. If you apply Master Plan to Delhi and want to regulate the ownership and possession of the urban land in Delhi, these areas should be included. There is no point in saying, "we will leave it to the State Governments.' We will achieve the object of the law by including all those areas because those respective States have authorised the Central Government to bring forward the legislation here. Agricultural land and land given to industry can be exempted.

Here comes the point whether you are guided by the States according to their recommendation. Suppose, they give certain cities in the Schedule or they authorise you to include cities having a population of one lakh and above. Now, if you leave this to the States, there may be motivations and the State Governments may include some areas and may not include some areas. So, please refer a certain principle to State Governments and if they accept the principle, you apply it here. I would suggest:

why not cities having a population of one lakh and above as per the 1971 census be brought under this Bill. There are urabn areas—Delhi is important—but the urban area in a particular state has its own importance, the scarcity of land also is there and people cannot purchase the land and the prices are going up. So by principle you should go in this Bill and not leave it to the State Governments to include any city or cities as they like.

Mr Bhogendra Jha raised the question about the constitutional validity of this Bill. Under Article 252 the States have authorised the Centre to bring forward a legislation regarding the ceiling on urban property. Land is also a property It is an immovable property within the meaning of the Transfer of Property Act and also the General Clauses Act But this Bill, as I said earlier, does not refer to the property which includes buildings also It refers only to land and that too, vacant land Nevertheless the resolution is being implemented partly,though not fully to the extent the State Governments perhaps wanted But there is no question of any constitutional lacuna in this and the Bill is valid.

My contention is not about the validity of the Bill, but about the adequacy of the provisions of the Bill If you want to do it, how are you going to achieve social justice? What is the land you are going to get for the weaker sections of the society? Unless a family as defined here gets a plot for having one house, how can there be social justice?

Therefore, the Bill though limited, is a good step in the right direction and it is to implement the economic policy resolution of 1973 and also the election manifesto of the Congress of 1971 To that extent, I welcome the Bill But the Bill requires further scrutiny, a deeper thought and a second look so that the loopholes in certain provisions may be removed. More or less every clause is now being sought to be amended. The Minister might call it 'clarificatory' or 'explanatory' amendments, but, nevertheless, every clause is being sought to be amended.

Therefore, greater attention should have been paid by the Minister in coming forward with this Bill so that these amendments would not have been brought the way they are being brought.

However, the Bill is a step in the right direction and I welcome it.

श्री मूल चन्द डागा (पाली) . एक बात मैं कहना चाहता हू । इस बिल को सिलेक्ट कमेटी के पास भेज दिया जाना चाहिये । ऐसा बहुत कम देखा गया है कि 46 क्लाजिज हो और उन पर 137 एमेंडमेंट्स हो और उसको इस तरह से पास कर दिया जाए । भगवान जाने इस बिल के पास होने तक और कितनी एमेंडमेंट्स आ जाए और हो सकता है कि वे 140 हो जाए । एक के बाद एक एमेंडमेंट आती जाती है । इस बिल को आपने हरीडली बनाया है और जल्दी मे आप इसको पास करना चाहते है । सिलेक्ट कमेटी मे भेजने मे कोई नुकसान नही हो सकता है । इस पर आपने सावधानी से विचार नही किया है । आपके पास लिमिटेड टाइम है और उस लिमिटेड टाइम मे आप इसको पारित करना चाहते है ।

सभी अखबारों ने इस पर एडीटोरियल लिखे है और कहा है कि सिलेक्ट कमेटी के पास इसको जाना चाहिये जहा इस पर सावधानी से विचार हो । हिन्दू का एडीटोरियल मै आपको पढ कर सुनाना चाहता हू

It is felt that too much delay might be caused by that process, a reasonable time could be set for the Committee to report to Parliament. And the few States that fortunately are not yet covered by the Central Government, it is not wise to indulge in hurried and competitive metooism, but wait and watch how the Central essay

[श्री मूलचन्द डागा]

work out in the state it covers before launching on similar, even if properly modified, urban ceiling law of their own.

MR. DEPUTY SPEAKER: That is their opinion, why not give your own opinion?

श्री मूल चन्द डागा : सिलेक्ट कमेटी में अगर इसको भेजा जाए तो वहां इस पर गम्भीर चिन्तन हो सकता है और इसको एक अच्छा रूप दिया जा सकता है।

कोई यह खयाल न करे कि यह इम्प्लेमेंट हो जाएगा। आप सारे बिल को पढ लें आपको कहीं पता नहीं चलेगा कि जल्दी इसका इम्प्लेमेंटेशन हो जाएगा। लैंड सीलिंग आपने किया लेकिन उस पर ठीक ढंग से अमल नहीं हुआ। उसी प्रकार से इसका इम्प्लेमेंटेशन नहीं हो सकेगा। पहले इस में कम्पीटेंट आथोरिटी की व्यवस्था की गई है, फिर ट्रिब्यूनल है और उसके बाद हाई कोर्ट है। जितना प्रोसीजर है वह सारा बहुत लम्बा है। इस प्रोसीजर के बारे में मैंने एमेंडमेंट्स दी हैं, पता नहीं मानी भी जाएंगी या नहीं। कम्पीटेंट आथोरिटी एक्वायर कैसे करेगी बहुत लम्बा प्रोसीजर है, फिर अपील करने की पावर है ट्रिब्यूनल में और उसके बाद हाई कोर्ट में जाने की पावर दी गई है। कोई यह न समझे कि पांच सौ स्क्वेयर मीटर जमीन जो थोड़ी छोड़ी गई है उससे फाल्तू जमीन ले ही ली जाएगी।

दूसरी बात यह है कि आपने यह हुकम भी दिया है कि दस साल तक कोई मकान नहीं बेच सकेगा। अपनी प्रापर्टी को वह दस साल तक बेच नहीं सकेगा और अगर कोई बेचना चाहेगा तो उसको इसके लिए परमिशन लेनी होगी। कोई मकान बना नहीं सकता है जब तक परमिशन न ली हो। इसका नतीजा क्या होगा ? सब मजदूर जो कंस्ट्रक्शन वाले है बेकार हो जाएंगे। बिना सोचे समझे आपने इस बिल में क्लाजिज इस तरह की रख दी हैं कि न तो कोई मकान को सेल कर सकेगा जो सीलिंग के अन्दर भी आता है और न ही सीलिंग के अन्दर जो जमीन आती है उसको भी बेच सकेगा। दोनों को आपने मना कर दिया है।

इस बिल में ए, बी, सी तीन कैटेगरीज बनाई गई हैं ए में 500 स्क्वायर मीटर, बी में एक हजार स्क्वायर मीटर और सी में 1500 स्क्वायर मीटर रखा गया है। बम्बई में 500 स्क्वायर मीटर जमीन रखी जा सकती है जब कि पूना में बड़े बड़े लोग 1 हजार स्कवायर मीटर तक रख सकते हैं। इससे आपकी सूझबूझ का पता चलता है।

सरकार गांव में 150 स्क्वायर यार्ड जगह दे रही है। आखिर वह कैसे समाजवाद लाना चाहती है। एक जगह वह 150 स्क्वायर यार्ड दे रही है और दूसरी जगह 2 हजार स्क्वायर मीटर, इतना फर्क क्यों रखा गया है ? इसलिये मैंने इस बारे में संशोधन दिये हैं। सरकार की तरफ से कहा गया कि यह सीलिंग लगाने का उद्देश्य यह है कि सीटीज के एक्सप्लोजन पर रोक लगाई जाये और मकान सही ढंग से बनें। मैंने कई बार कहा है कि शहरों के एक्सप्लोजन पर रोक लगाने का तरीका यह नहीं है। चाइना ने इस एक्सप्लोजन को रोकने के लिए क्या उपाय किया है

"If you are dealing with a time-bomb—and I think we all agree that there is an element of this in the urban crisis—you solve the problem by defusing it, by stopping, the mechanism working. Now that has been achieved in China.

इसमें बड़ी डिटेल्स दी हुई हैं। जरूरत तो इस बात की थी कि इंडस्ट्रीज को शहरों में स्थापित होने से रोका जाये और गांव को पापुलेशन के शहरों में आने पर रोक लगाई जाये। कलकत्ता में क्या हो रहा

है, वहां 85 लाख लोग बढ़ गये हैं। कलकत्ता के बारे में कहा गया है—

"We sent a note to the corporation, said a senior CMDA official, requesting them to clear the gully pits. They replied with a note saying that the gully pits could not be cleared because the inlets were choked, the inlets could not be cleared because the manholes were choked, the manholes could not be cleared because the sewers were choked, and the sewers could not be cleared because pumping stations were weak.'

सरकार कहती है कि वह विषमता को कम करना चाहती है। एन्टो ने कहा था—

"Life in the modern city has become a symbol of the fact that man can become adapted to starless skies, treeless avenues, shapeless buildings, tasteless bread, joyless celebrations."

इस बिल में आदर्शवाद बहुत है। अगर इसके स्टेटमैंट आफ ओबजैक्टस एंड रीजन्स को पढ़े तो मालूम होता है कि यह बड़ा सुन्दर बिल है। मैं इस बिल के प्रावीजन की तरफ आपका ध्यान दिलाना चाहता हू।

MR. DEPUTY SPEAKER: My difficulty is, I have to reconcile your observations to this Bill.

SHRI M. C. DAGA: We have given an amendment and it is No. 1. If we are given a chance, within 5 minutes we have to finish. We will finish it, we have no objection.

इस बिल की क्लाज 6 में कहा गया है:

"Every person holding a vacant land in excess of the ceiling limit at the commencement of this act shall, within such period as may be prescribed....."

Now, rules are to be framed specifying the location, extent, value and such other particulars as may be prescribed.

जब तक रूल्ज नहीं बनाए जायेंगे तब तक यह बिल इम्प्लीमेंट नहीं किया जा सकता है। इस बिल में सौ बार लिखा होगा कि "एजमे वी प्रैस्क्राइब्ड"। इस का मतलब यह है कि रूल्ज को फ्रेम किये बिना इस कानून पर अमल नहीं किया जा सकेगा।

अगर कोई व्यक्ति टाइम चाहता है, तो तीन महीने का टाइम दिया गया है। गवर्नमेंट ने इतनी बड़ी डिसक्रीशन अपने पास रखी है कि अगर कोई आफिसर चाहे, तो वह किसी भी जमीन को छोड़ सकता है। मैंने अपने-अपने संशोधनों में कहा है कि इस प्राविजन को हटा दिया जाये।

इस में कहा गया है :

"It shall be within the competence of the State Government to allow, in excess of the ceiling, any vacant land which is deemed to have been acquired by the State Government."

काम्प्रोमाइज कौन कर सकता है ? काम्पीटेंट एथारिटी।

मेरा निवेदन है कि मेहरबानी करके इस बिल को सिलेक्ट कमेटी में भेजा जाना चाहिए। मंत्री महोदय को इस बात को कोई प्रैस्टीज इस्यू नहीं बनाना चाहिए। यह बिल बजट सेशन में लाकर पास किया जा सकता है।

श्री शिवनाथ सिंह (झुंझुनू) : उपाध्यक्ष महोदय, शहरी जमीन की हदबन्दी के सम्बन्ध में यह बिल पेश करते हुए मंत्री महोदय ने कहा है कि कई विधान सभाओं ने इस आशय के प्रस्ताव पास किये कि पार्लियामेंट इस सम्बन्ध में कानून बनाये, और उसके संदर्भ में यह बिल पेश किया जा रहा है। मैं यह निवेदन करना चाहता हू कि उन विधान सभाओं ने जो बात कही थी, यह बिल उससे बिल्कुल भिन्न है। कांग्रेस पार्टी के इलैक्शन मनीफैस्टो और उस की नीति में यह स्पष्ट संकेत था की हम शहरी

[श्री शिवनाथ सिंह]

सम्पत्ति पर नियंत्रण करेंगे । जिस वक्त हम ने देहात में काश्त की जमीन पर नियंत्रण किया था, उस की सीमाबन्दी की थी, उसी वक्त देहात और शहर की स्थिति मे एक फ़र्क पैदा हो गया था । ग्रामीण जनता यह समझ रही थी कि हम ग्रामीणो की सम्पत्ति पर सीमा लागू की जा रही है, लेकिन शहरो मे चाहे कोई कितना धन कमाये और चाहे कितनी सम्पत्ति रखे ।

यह बिल ग्रामीण जनता के दिल को बहुत दुखाने वाला है । वे लोग सोचते थे कि कभी न कभी शहरी सम्पत्ति पर अकुश लगाया जायगा । लेकिन इस बिल को देख कर उन की चिरकाल से चली आ रही आशा और आकाक्षा धूमिल होने लगी है । मै निवेदन करना चाहता हू कि यह बिल बिलकुल अपूर्ण है और हमारी नीतियो के प्रतिकूल है । वह हमारे देश के करोडो लोगो की इच्छाओ को पूर्ण नही करता है ।

इस बिल के प्रावधानो मे बहुत बडी छूट दी गई है । ग्रामीण क्षेत्र मे जमीन की सीलिंग के लिए जो प्रावधान किये गये थे इस बिल के प्रावधान उन से बिल्कुल भिन्न ह ।

इस बिल मे एक प्रावधान यह रखा गया है कि एग्रीकल्चरल लैंड को इस कानून से अलग रखा जायेगा । लेकिन इस मे "एग्रीकल्चर" की डेफिनीशन को बिल्कुल बदल दिया गया है । इस मे कहा गया है कि "एग्रीकल्चर" मे रेजिंग आफ ग्रास, डेयरी फार्मिन्ग, पोल्ट्री फार्मिन्ग और ब्रीडिंग आफ लाइवस्टाक आदि शामिल नही होग । अभी तक ये सब कार्य "एग्रीकल्चर" मे सम्मिलित रहे है । इस का परिणाम यह होगा कि कृषि का काम करने वाले लोगो के हितो को आघात पहुचा । लेकिन आप मे इस बिल में जो ऐग्रीकल्चर की परिभाषा रखी है वह इस सब से एक्सक्लूड कर दी गई है । तो जितना भी शहरो के नजदीक रहने वाला काश्तकार तबका है वह इस से बरबाद हो जायगा । दिल्ली के आसपास के किसान पहले भी तबाह हो चुके है और इस बिल के अदर 8 किलोमीटर का क्षेत्र आप ने इसमें रखा है, इस प्रावधान से दिल्ली के आस पास क या और बडे बडे शहरो के आस पास के काश्तकार इस से तबाह हो जाएगे । सरकार को इस ओर ध्यान देना चाहिए ।

इस के साथ साथ किसान के लिए आप ने रखा है कि ऐग्रीकल्चर फार्म मे अगर किसान ने अपना मकान बना लिया है फार्म-हाउस है तो वह एक्सक्लूड हो जायगा । लेकिन किसान की तो झोपडी होती है उसी मे वह रहता है, उस के बच्चे रहते है, उसी मे वह अपने पशु भी बाधता है और उसी मे अपना अनाज भी रखता है । तो उस का निर्धारण स्टेट गवर्नमेंट क्या करेगी ? इसलिए मैं निवेदन करूगा कि इस बिल के प्रावधान इस प्रकार रखे गए है कि शहरों के आस पास रहने वाले किसान तग होगे । इन प्रावधानो को और सुदर बनाना चाहिए ।

आपने अर्बनाइजेबल जो लैंड है उसको इसमें इन्क्लूड कर दिया । अब ऐसी कोई जमीन नही हो सकती है जिस को हम शहर के लायक घोषित न कर सकते हो । मेरे ख्याल से शहर के नजदीक का कोई गाव ऐसा नही है जिस को अर्बनाइजेबल न कहा जा सके । तो इस प्रकार से इस से बडी हार्डशिप पैदा होगी ।

इस के बाद म आप ने छूट रखी है । जिस वक्त हम ने लैंड सीलिंग कानून काश्तकारी का बनाया था उस वक्त जितने भी ट्रासफर्स थे उन को हम ने इनवैलिडेट किया

था क्योंकि बिना उस के हम जमीन ऐक्वायर नहीं कर सकते थे। लेकिन इस में आप ने ट्रांसफर्स वैलिडेट कर दिया है। क्लाज 4 में आप ने यह कहा है

"In any State to which this Act applies in the first instance, for on or after the 17th day of February 1975 but before the appointed day, any person has made any transfer (other than a *bona fide* transfer under a registration deed for valuable consideration)."

इस तरह से वैल्यूएबल कन्सिडरेशन चाहे कितना भी हो सकता है और सेल डीड में जिस ने उस को ट्रांसफर कर दिया है उस को आप ने वैलिड मान लिया। मेरा निवेदन है कि यह डबल स्टैंडर्ड है। एक जगह आप जमीन के सेल और ट्रांसफर के लिए एक प्रावधान रखते है दूसरी जगह दूसरा प्रावधान रखते है। यह बिलकुल डिस्क्रिमिनेटरी है।

इसी के साथ साथ आप ने रखा है जिस पहले भी जिक्र हो चुका है कि एक आदमी के पास 500 स्क्वायर मीटर जमीन खाली पड़ी है जिस पर उस ने कोई मकान नहीं बनाया है तो उस के पास वह 500 स्क्वायर मीटर ही रहेगी। लेकिन जिस ने उस में 200 स्क्वायर मीटर पर मकान बना लिया है तो उस के पास 1200 स्क्वायर मीटर तक रह सकती है जिन के पास है उन को आप ने और छूट दे दी है और जिन के पास नहीं है उन को पेनल प्रोविजन किया है जो उस पर मकान नहीं बना पाए है। यह बिल्कुल डिस्क्रिमिनेटिंग प्रावधान है। किसी भी न्यायालय के सामने यह टिक नहीं पाएगा।

इस के बाद आप ने एक्जम्पशन रखे है वह बड़े ही विचित्र एक्जम्पशन है। आप देखें क्लाज

"Educational, cultural, technical or scientific institution or club".

कोई भी क्लब कितनी ही जमीन रख सकता है शहर के अंदर चाहे वह कितनी कीमती जमीन क्यों न हो। क्लब को भी आप ने एक्सक्लूड कर दिया है।

इस तरह से और आप देखें

'Any Society registered under the Societies Registeration Act, 1860'

कोई भी आदमी किसी भी परपज के लिए सोसाइटी रजिस्टर करा सकता है और उस के लिए कितना भी जमीन रखने का प्रावधान आप ने इस के अंदर कर दिया है। मैं निवेदन करना चाहता हूं कि इनकम टैक्स बचाने के लिए और दूसरे इस प्रकार के कामों को करने वाले ऐसी ऐसी संस्थाएं रजिस्टर करा लेते है उन को आप इससे छूट दे रहे हैं। मैं आप के सामने बिरला एजुकेशन ट्रस्ट का उदाहरण रखना चाहता हूं जिस के अंदर हजारों एकड़ जमीन उन्होंने इकट्ठी कर रखी है ट्रस्ट के नाम से और अपनी सोसाइटीज के नाम से। ये उस में नहीं आते है और इन को कितनी भी जमीन रखने का हक होगा। इस तरह से समाज के अंदर जो चतुर आदमी है जो शोषक है उन लोगों के लिए आप ने यह प्रावधान रख दिया है। इस के रहते हुए कोई भी परपज इस में सर्व नहीं हो सकता है।

इसी तरह से जितनी भी जमीन अक्वायर करेंगे उस को लिमिट पर रखने का प्रावधान आप ने रखा है। आप ने कहा है कि इंडस्ट्री के लिए भी एलाट कर सकते हैं और इंडस्ट्री की परिभाषा क्या है

"'Industry' means any business, profession, trade undertaking or manufacture.."

कोई भी बिजनेस कोई करता है जैसे मैं कपड़े की दूकानदारी करता हूं तो वह भी बिजनेस में आ जाता है। तो इस प्रकार से अक्वायर, एक्जेम्शन, ट्रांसफर के जितने भी

[श्री शिवनाथ सिंह]

प्राविजन्स आपने रखे हैं उनमे जो आपकी मंशा है वह पूरी नही होती है। अधिक से अधिक यह कहा जा सकता है कि हम गरीब तबके के लोगों को शहरो में जमीन देना चाहते हैं लेकिन आज भी बहुत सी स्टेट्स में, खास तौर से मै अपनी स्टेट के सम्बन्ध मे बताना चाहता हूं कि जिसके पास अर्बन लैंड है उसने यदि निश्चित अवधि में मकान नहीं बनाया है तो बिना किसी मुआविजे के सरकार उसको वापिस ले सकती है। तो इस प्रकार का कानून आपके पास है जिससे सारी जमीन आपको मिल सकती है तो फिर इस प्रकार का कानून बनाना सिवाय धूल झोंकने के कुछ नही होगा। जिस पर्पज के लिए आप यह बिल लाना चाहते है वह पूरा न होकर सिर्फ छोटा सा अ ई-वाश हो रहा है। मैं समझता हू इस प्रकार के बिल से कोई मतलब हल नही होगा जैसा कि और माननीय सदस्यों ने भी कहा है इस बिल के प्राविजन्स काप्लीकेटेड हैं, इसको अगर सेलेक्ट कमेटी मे भेजा जाता है तो थोडा बहुत पर्पज हल हो सकता है। इसलिए मैं समझता हू गवर्नमेन्ट इसको अमेन्ड करके सभी अर्बन प्रापर्टी को इसमे इन्क्लूड करे और उसके बाद यह सेलेक्ट कमेटी में जाये तो मैं उसका समर्थन करता हूं।

SHRI ERASMO de SEQUEIRA (Mar magoa) I have always felt that when we have an objective, we often lose sight of that objective in framing our legislation Because, if our objective is to ensure that urban land is not kept within narrow limits, it is not kept with only a few persons to the detriment of the society at large, then my submission is that the transfer of that land, the spread of that land to a much larger number of people would be much quicker and easier by a method which is quite different from what is being suggested in this Bill I should have thought that a provision in our Wealth Tax law to the effect that such urban land as is in excess of the particular limit which we set, if that were to be taxed at a prohibitive rate I am certain that the objective that the Government is seeking to achieve, which we all would like to achieve in this c ountry would be achieved at a much quicker pace and without the creation of the entire machinery and without all this acrimony and confusion that this Bill will be creating I am quite clear that if this had been done through an amendment of the wealth tax law, you could have succeeded in putting a ceiling not only on urban vacant land but on urban land itself, on urban property itself It would have succeeded to a far greater degree and extent and the objective would have been achieved not so much by enforcement from the government but by voluntary measures from those who own it, faced with the fact that if they did not divest themselves of all that property that they have accumulated, they would end up by paying the entire value in tax therefore speculation would become meaningless Because, it is speculation that has led to urban property being so closely held and not divested

Even the thinking of the government, I find, is away from this objective This Bill, I am sorry to say, is something most unsatisfactory because while I realise that the mountain has laboured for long, what it has produced is the little word in the popular saying Look at the Bill First of all you start with the beginning, you have the definition of competent authority The definition of competent authority is any person or party authorised by the state government There is no limit at all; it can start with the U D C and end with the patwari; anybody can be appointed competent authority Such a wide definition is something, I have been objecting to in the House every day You take the definition of urban land. First of all you have already

come with the prohibition in the law, that no urban building shall be sold within ten years of construction and urban building is a building constructed on urban land. What is the definition of urban land in this Bill?

At page 4 you will see that by saying urban land, means,—

> "(i) any land situated within the limits of an urban agglomeration and referred to as such in the master plan,"

but, then it goes on to say—

> "(ii) in a case where there is no master plan or where the master plan does not refer to any land as urban land, any land situated in any area included within the local limits of a municipality (by whatever name called), a notified area committee, a town area committee, a city and town committee, a small town committee, a contonment board or a panchayat."

Now, this definition virtually makes the entire land comprised within the Union of India under the urban land, because every single piece of land in this country is either under a town committee or a small town committee or a panchayat. There is nothing left. So, this virtually means that without Government's permission you cannot construct any building anywhere in India.

Then, Sir, please go through the bill and you will see that in almost every page there is so much that is different from what one wants to achieve Kindly refer to page 11 of the Bill. It is mentioned like this.

> "11 (1) Where any vacant land is deemed to have been acquired by any State Government under sub-section (3) of Section 10, such State Government shall pay to the person or persons having any interest therein—"

Now, first it says in sub-section (a):

> "(a) in a case where there is any income from such vacant land an amount equal to eight and one-third times the net average annual income actually derived from such land....."

> "(b) in a case where no income is derived from such vacant land, an amount calculated at a rate not exceeding—
>
> (i) ten rupees per square metre in the case of vacant land situated in an urban agglomeration falling within Category C or Category D specified in that Schedule"

Is that we all know? There are many cases of urban land which has very little income and there are many cases of urban land which has a lot of income. Here you have to see whether there is low income or whether there is income at all because as per Schedule-I, one will come to conclusion that a land with income calculated under sub-section (a) of Section 11 will have a value which is less than the value that will be calculated under sub-section (b). Therefore, I am saying that all these things must be looked at and must be seriously considered and then we should come with a law, which has some meaning and logic in it. There is another thing that I want to ask the Minister. Look at the exemptions in this Bill. Powers have been kept to exempt literally everything that is provided in the law. Those powers are available to the State Governments and also available to the competent authority. Now, such things happen in a law which, to begin with, begins to say that it is a ceiling law. Then there is only one possble effect that can take place as a result of enacting this law. We have seen that every law that has been passed with such wide powers of exemption

[Shri Erasmo de Sequeira]

bcomes a source of additional corruption, because when the idea is to put in a ceiling, we all know that the amount that is prescribed is an amount much less than what the land would fetch in the open market, it is probably in some cases less than what the person has paid for that, But we also know the manner in which the affected person begins to act and we also know the manner in which the competent authorities and the State Governments and the Central Government begin to react The result is that the corruption that we are trying to stop increases We create an additional opportunities for its expansion Therefore, I say that if at all we are serious about ensuring that urban land does not becomes monopolised and I agree that it should not be monopolised, then let us make a law in which we are very specific about the provisions to begin with and where we allow no scope for exemption

It is only then that we can say that we have done an honest exercise at establishing a ceiling Every speaker who preceded me has come forward to the House with the request that this Bill be referred to a Select Committee I think it was the Prime Minister who said the other day in this House that we should not be overly concerned with the form that we are following but much more with the substance What I would like to say to the minister and to the government is that in this case, they are merely pretending to follow the form This is not the way to make law As it is, the Bill was ill-conceived

Even after conceiving it so badly, they have come forward with a number of amendments and so have we. The only place where we can say that this exercise at legislation has been a substantive exercise is the Select Committee and therefore I suggest that we go to a Select Committee, consider it there and come back to the House.

श्री हरी सिंह (खुर्जा) : माननीय उपाध्यक्ष जी, इस सदन में अर्बन लैंड (सीलिंग एण्ड रेगूलेशन) बिल, 1976 पर चर्चा हो रही है ।

इस बिल के उद्देश्य मकसद और भावना को अगर आप गौर से देखें तो यह प्रतीत होगा कि यह बहुत समयानुकूल है और देश की करोड़ों जनता की जो उमग है उस की पूर्ति करता है । सरकार का जो मतव्य है देश को प्रोग्रेसिव आइडियाज की तरफ ले जाने का, उस की सीढी में यह एक और नया कदम है । जिस देश में करोड़ों नागरिकों को सिर छिपाने के लिए केवल आसमान है और दूसरी तरफ बड़े बड़े लोगों के पास बगले और कोठिया है और उन में रहने के अलावा उन के बगलों के सामने हजारों बीघे जमीन पड़ी हुई है उस पर सीलिंग लगाने के मकसद से आज इस सदन में इस बिल पर बहस हो रही है और यह बिल बड़ा समयानुकूल है और इस का मैं स्वागत करता हू ।

सरकार की नीयत से मालूम पड़ता है कि इस समय देश में जो लोगों के रहन-सहन या असमानता है, उस को मिटाने के लिए सरकार तुली हुई है और इस बिल को अगर गौर से पढ़े तो बहुत सारे शक और शकूक जो इस सदन में जाहिर किये गये है, उनपर भी निगाह डालने की आवश्यकता है । हमारी सरकार जो यह बिल लाई है उस में उस ने बड़े बड़े शहरों को ही लिया है लेकिन मैं यह अर्ज करना चाहूगा कि बहुत सी टाउन एरियाज कमेटीज हैं, नाटिफाइड एरियाज है और म्यूनिसिपल बोर्डस है, वहा पर भी बहुत सारे ऐसे लोग है जिन के पास सकड़ों मकान और काफी जमीन पड़ी हुई है और अब बड़ी तेजी से वे अपनी जमीनों को बेच रहे हैं । उन जमीनों पर वे कुकाव बना रहे

हैं और इस तरह से वे काफी पैसा बना रहे हैं। मैं यह कहना चाहता हूं कि जिस तरह से बड़े शहरों को आप ने इस बिल में लिया है, उसी तरह से 80 हजार की आबादी वाले शहरों को भी लिया जाए। यह एमेंडमेंट मैं इस बिल में करना चाहता हूं।

दूसरी बात मैं यह कहना चाहता हूं कि देखा यह गया है कि जो भी उपाय सरकार ने लैंड रिफार्मस के बारे में लिये है और उन के लिए कानून बनाए हैं, वे अदालत में जा कर मामले उलझ जाते हैं। मैं सरकार से यह निवेदन करूंगा कि वह इन सब बारीकियों को देख ले ताकि हमारा जो यह परपजफुल कानून है वह कहीं अदालत की दीवारों में उलझ न जाए। जो बातें अन्य सदस्यों ने कही हैं उन पर शान्ति के साथ और धैर्य के साथ गौर किया जाय।

तीसरी बात मैं यह कहना चाहूंगा कि इस में जो रजिस्टर्ड क्लब्स और सोसाइटीज के लिए पाबन्दी हटाई गई है, उस के बारे में मैं यह कहूंगा कि आज सारे देश में बहुत सी फैक्ड सोसाइटियां चल रही हैं जिन्होंने जनता का काफी रुपया हड़प लिया है और सरकार को भी वे धोखा दे रही हैं। मन्दिर के नाम पर, मस्जिद के नाम पर और दूसरी संस्थाओं के नाम पर सोसाइटिया और क्लब्ज बना लिये जाते है और लोगों को धोखा देते हैं। जैन्यून सोसाइटियां तो बहुत कम हैं। इसलिए मैं यह कहना चाहता हूं कि इन दोनों को इस बिल में से डिलीट कर देना चाहिए। बड़े शहरों के लिए 2000 स्क्वायर मीटर की छूट देना उचित नहीं है। इस छूट को केवल 250 मीटर तक ही रखना चाहिए।

इन बातों के साथ साथ मैं यह भी कहना चाहता हूं कि इस में जो दस साल की पाबन्दी मकान बेचने की है, यह बड़ी अच्छी है और इस का मैं हार्दिक स्वागत करता हूं। इस से बहुत सारी खामियों को आप रोक सकेंगे और देश की करोड़ों जनता को इस से लाभ पहुंचेगा। और 10 वर्ष तक किसी भी मकान को न बेचे जाने का नियम सभी छोटे से लेकर बड़े शहरों तक लागू किया जाय। इन शब्दों के साथ मैं इस बिल का स्वागत एवं समर्थन करता हूं।

रिट्रास्पेक्टिव इफक्ट देने की बात आपने इस में कही है। मैं चाहता हूं कि पांच साल के बजाय दस साल की आपको इस में अवधि रखनी चाहिये, पांच साल के बजाय दस साल की पाबन्दी आपको लगानी चाहिये, और यह चीज इस बिल में इंसर्ट कर देनी चाहिये।

सिलैक्ट कमेटी को उलझन के बजाय मैं चाहता हूं कि दो चार रोज और इस पर गौर कर लिया जाए और पार्लियामेंट के अंतिम दिन इसको पास करवा लिया जाए। यह जो बीच का वक्त मिलेगा, इस में तफसील में सभी सदस्य, सरकार और मंत्री इसको देख सकते है और जो भी इस में सुधार करने की गुंजाइश हो उनको कर सकते हैं।

इन अल्फाज के साथ मैं इस बिल का स्वागत करता हूं।

DR. RANEN SEN (Barasat): I join those hon. Members who spoke before me demanding that this Bill be sent to the Joint Select Committee or the Select Committee as this Bill is full of very complicated things.

Yesterday, when I was reading this Bill, it took nearly two or three hours for me to understand the meaning of this Bill. The point is that it is complicated in such a way that it leaves quite a number of loopholes and it gives rise to all sorts of anamolies and defective things. I will point out one or two things. For instance, in the

[Dr. Ranen Sen]

Definitions it is said: " building regulations means the regulations contained in the master plan, or the law in force governing the construction of buildings." But what is a building? Nowhere in this Bill and I am told in no Government Act, there is any definition of a building. Now, what is the definition of a building—any construction either pucca construction or thatched construction. Therefore here in page 4 down below, it is said: "land shall not be deemed to be mainly used for the purpose of agriculture if such land is not entered in the revenue records as for the purpose of agriculture or if the land has been specified in the master plan for a purpose other than for the purpose of agriculture." There can be a building in the name of farm house. So, this is one loophole. And that will depend on the judgement of the State Government.

The Minister says that he is sending guidelines to the State. And after the passing of this Bill, he will send more guidelines. If the Bill is defective, what the guidelines will do?

Urbanisable land means land situated with an urban agglomeration, but not being urban land. In the urban land it is clear that there are notified lands for Town committees small committees, cantonment boards, panchayats, etc., I understand that. But referring to Schedule I, I want to ask the Minister, why in the case of West Bengal, very important municipalities that are only five miles from Calcutta and urbanised panchayats that are only three miles from Calcutta—I am elected from this area—Barasat—have been left out? Therefore, this Bill is full of and loopholes which will invite all sorts of contradictions and litigations. There is scope for litigation also. People will rush to the urban land tribunals. There is another point. In regard to cities like Bombay or Calcutta—I am more definite about Calcutta; Sir, you also know a little bit about Calcutta—no land will be available at Calcutta. Unless property is touched, simply touching the land will not help the poor people of Calcutta. Sir, you may be knowing that the price of land in Calcutta is running very high. We calcutta this price on the basis of *kutta* which is 1/20 of a *bigha;* it means 1/60 of an acre. And the price at present will be Rs. 80,000 or Rs. 1 lakh. Ten years back a certain plot of land was available at Rs, 72,000/-; you can imagine its price now. But land is not available in the city of Calcutta. The State Government is getting whatever land is available. under this bill, I need not go into each section and each paragraph. I conclude by saying that this bill will not serve its own purposes which are laudable—purposes like sociolization of land and seeing to it that a haphazard growth does not take place in the metropolitan areas, municipalities and towns: but the bill leaves so many loopholes that a part of the purpose will be completely defeated Take for example, the question of giving compensation. I quite agree with Mr. Salve when he said that we simply put our stress on the area and the volume of the land That will be a great injustice to certain people and a sort of a boon to certain others. The big people who have amassed a huge amount of land near about Calcutta—and who have thrown poor people outside the city of Calcutta: gradually they are going more and more outside—will be rewarded They will get rid of the land because they know that somehow or the other socialization of land and urban property was coming Therefore, they will be agreeable gladly to give away the land to the Government at the rates the letter have suggested in this bill; but the lower middle-class or poor people —and even upper middle-class people —who have very little bit of land on which they were thinking of doing certain other things like raising structures, will be deprived. Mr.

Joarder had raised a certain significant point in regard to a dwelling house. In page 6 of the bill below Explanation to 4(3), it is said:

> "(i) "scheme for group housing", in relation to any vacant land, means the scheme for construction of a building on such land with one or more floors, each floor consisting of one or more dwelling units and having common service facilities."

As I had said, there should be a definition of "building" etc. I do not know it. I have asked many Members. The only definition which a lawyer has given them, is that a building is "any construction". Therefore, what happens to a slum in Calcutta? Are they to be considered as buildings? Slums are not buildings in that respect; and you know that in Calcutta, any number of slums exist Nearly one-fourth of the population of Calcutta lives in slums. (*Interruptions*) Not 3/4 in the city of Calcutta. In Greater Calcutta it will be much more I do not know whether it is 3/4. What happens to these slums? I have tried to understand that point, because we are connected with the movement of the people in the slums. This Bill does not explain as to what happens to such lands because the connotation of the word "building" is absent.

14 00 hrs.

Then, supposing a gentleman has got four or five houses and a small bit of land, may be 500 sq metre. If it ultimately becomes 5,000 sq metres, what happens to that land? That is not explained here. The Minister has to explain the calculation.

Then, suppose a gentleman has got houses in various cities of India. Take a person of the stature of Shri Birla. He will have houses in many cities, including Delhi, having a certain amount of land. It is not clear from the Bill as to what happens to such cases.

MR. DEPUTY-SPEAKER: I think the Bill is quite clear on this point.

DR. RANEN SEN: May be the Bill is clear to you, but not to us.

I want the Minister to explain this.

Then, there are so many loopholes, vague references and so many exemptions over which the State Government is the sole arbitrator, as the competent authority.

Lastly, certain exemption have been given to industries, business houses, clubs and so on. There are some clubs in Calcutta where new members can be chosen only on the recommendation of the existing members, and the existing members were mostly chosen before 1945 by the British. So, you can imagin the composition of the members of those clubs I do not understand why such clubs should be exempted.

Then, there are some business houses which have their godowns in the outskirts of Calcutta. While some of the godowns are full, some others are empty or vacant for years together. What happens to the land occupied by those godowns, when you say that the business houses would be exempted from the land ceiling?

When it is an important Bill with such laudable objectives, as stated in the Bill, it should not be taken up and passed by this House in such a hurried manner. Notice has given of a large number of amendments and we have been asked to go through them in such a short time. Many of the hon. Members have not been able to go through them. So, I would request hon. the Minister to listen to the view which has been expressed

[Dr. Ranen Sen]

here from all sides of the House, irrespective of party affiliations, including from the Congress side, not to pass this Bill in such a great hurry. When you have delayed it for five years, a delay of another two or three months will not make any difference. Heavens will not fall because you have delayed it by another three months So, let us go through the provisions deeply, not in a leisurely fashion, and then pass this laudable piece of legislation.

श्री नरसिंह नारायण पांडे (गोरखपुर) : उपाध्यक्ष महोदय जो बिल सदन के सामने पेश हुआ है, उस का मन्तव्य बड़ा सुन्दर है । मंत्री महोदय ने कांग्रेस पार्टी के उन तमाम प्रस्तावों की तरफ सदन का ध्यान दिलाया है जो उसने समय समय पर पास किये है और जो उसके घोषणा-पत्र का अंग बने हुए है । बहुत दिनों से देश के गरीब लोगों की यह इच्छा और आकांक्षा थी कि अगर देहाती क्षेत्र में भूमि-सुधार के कानून बने हैं और सीलिंग एक्ट लागू हुए हैं तो शहरी क्षेत्र में भी उनके रहने के लिए कोई ऐसी व्यवस्था हो, जिस से उन को जमीन मिल सके । मैं बहुत अदब के साथ माननीय मंत्री जी से कहना चाहता हू कि जिस ध्येय को ले कर यह बिल आया वह ध्येय तो बहुत पुनीत और पवित्र है, गंगा की तरह पुनीत है लेकिन जो विधेयक आया और जिन शब्दों मे आया है इस से बड़ी निराशा हुई है । निराशा इसलिए हुई है कि जो आबजेक्ट्स ऐंड रीजन्स दिए गए है वे आबजेक्टस ऐंड रीजन्स इस बिल के अन्दर निहित नहीं हैं । यह मैं इसलिए कहता हू कि मेरा शहर गोरखपुर भी इस के अन्दर दिया गया है । उस शहर की जमीन जो भी बाकी बची हुई है बड़े बड़े जमींदारों की वह तो म्युनिसिपल बोर्ड ने लीज आउट कर दी है और वह ऐसे लोगों के हाथ में है जो बड़े जमींदार थे या म्युनिसिपैलिटी के बड़े ओहदेदार थे या म्युनिसिपल कमिश्नर थे । ऐसे ही तमाम बड़े शहरों में भी क्लास और सी क्लास शहरों में उन की जमीन का बटवारा किया गया है और 99 साल की लीज दे दी गई है । अब जो लैण्ड बची हुई है वह या तो ऐक्वायर किया है मास्टर प्लान के लिए या ऐक्वायर हुई है हाउसिंग सोसाइटीज के लिए मिडिल इनकम ग्रुप और लो इनकम ग्रुप के लिए, वह शहर से बाहर की जमीन है जिस को शहरी क्षेत्र के अन्दर लाया गया है । और मैं तो यह समझता हू कि अगर यह बिल जिस तरह से रखा गया है इसी तरह से इस का प्रारूप हो तो मास्टर प्लान के लिए जो जमीन ली जा रही है उस के लिए तो लाभदायक सिद्ध होगी लेकिन शहर के अन्दर इस बिल के रहते हुए एक इंच भी जमीन माननीय मंत्री जी को मिलने वाली नहीं है और जो इस का "लाडेबल आबजेक्टिव" है वह उस से पूरा होने वाला नहीं है । इसलिए मैं ऐसा मानता हू कि उनने सुन्दर और पुनीत विधेयक को ला कर भी जिस की तरफ सारे देश के करोड़ों काम करने वालों का दिल और दिमाग लगा हुआ है कि हम को एक मकान मिलेगा, हम को जमीन मिलेगी उनकी इच्छाओं की पूर्ति इस से हम नहीं कर सकते ।

आप ने सोसाइटीज को एक्जम्प्ट किया है । आज सारे बड़े बड़े लोगों ने चाहे धर्मादा सोसाइटी चाहे किसी और तरह की सोसाइटी बना ली है । उन सोसाइटीज के अन्तर्गत उन्होंने बड़े बड़े एम्पायर्स कायम कर रखे है चाहे वह बिरला हों टाटा हों या धर्म के बड़े बड़े ठेकेदार हों इन सभी लोगों ने ऐसी स्थिति पैदा कर दी है देश में, अपनी जमीन और धन को बचाने के लिए सोसाइटी ऐक्ट का बहाना ले कर उन्होंने ट्रस्ट बना

जिस हैं, और इन ट्रस्ट्स को देखा जाय तो उस में उन के परिवार के ही सारे लोग मेम्बर होते हैं। मैं जिन के खिलाफ चुन कर आता हूं गोरखपुर के महंत उन के पास इसी तरह से गोरखपुर की दो तिहाई जमीन है जिस में बड़े बड़े भवन बने हुए हैं। आप ने कहा कि हम प्राफिटियरिंग रोकना चाहते हैं, ब्लेक मार्केटिंग के आपरेशन को रोकना चाहते हैं, सट्टेबाजी को रोकना चाहते हैं और जो पैसा आता है इस तरह से उस को और धनोपार्जन में या जमीन या बिल्डिंग खरीदने में न लगाया जाय, यह आप का ध्येय है। लेकिन जब सीलिंग ऐक्ट आया तो बड़े बड़े जमीदारों ने क्या किया। बड़े बड़े लोगों को, जो इनकम टैक्स से बचना चाहते हैं, इच्छा पैदा हुई कि हम फार्मिंग करें। उन्होंने जमीन ली, ट्रस्ट और सोसाइटी बनाई और सारे उन के गलत धन्धे जो थे वह उसी ट्रस्ट या सोसाइटी के अन्दर, उसी फार्मिंग के अन्दर करने लगे। उसी के अन्दर उन्होंने अपने सारे गलत धन्धों को और "ब्लैक मनी" को छिपाने की कोशिश की। इसी तरह से आज यह ट्रस्ट और सोसाइटीज इस बिल की परिधि से निकाल दी जाती हैं। तो चाहे धर्मादा हो, किसी तरह के ट्रस्ट हों, सोसायटी हों उनके कारण तो इस बिल की जो इच्छा है, इस बिल की जो मन्शा है वह पूरी नहीं हो पायेगी। इसलिए मेरी मंत्री जी से और सरकार से प्रार्थना है कि वे इस बिल को उस लायक बनायें जिससे जो इसका ध्येय है, जो हमारी पार्टी का स्टैंड है जिसके अन्तर्गत हम करोड़ों लोगों को घर देना चाहते हैं, उनको बसाना चाहते हैं उस ध्येय की पूर्ति हो सके। मैं ऐसा मानता हूं इस बिल के इसी स्थिति में रहते हुए न तो कहीं कोई जमीन मिलेगी और न हम ब्लैक मनी के आपरेशन को रोक सकते हैं। इस फार्म में इस बिल के रहते हुए उन मंतव्यों की पूर्ति नहीं हो सकती है। क्लाजवाइज डिस्कशन के समय मैं अलग से अपने विचार रखूंगा लेकिन बेहतर होगा, यदि कुछ देर भी हो जाये तो कोई बात नहीं है, लेकिन सरकार इसको इस तरह से ड्राफ्ट करके लाए जिसके बाद सारी स्थितियों का समावेश हो सके, आपका जो मंतव्य है पूरा हो सके और करोड़ों गरीब लोग जो आपकी तरफ देख रहे हैं उनकी आशायें भी पूरी हो सकें।

श्री राम सहाय पांडे (राजनंदगांव) : उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करता हूं। मुझे जहां इसमें प्रसन्नता होती है वहां थोड़ा सन्देह भी है कि आपके पास ए क्लास शहरों में कोई जमीन आयेगी भी या नहीं। आपने जो एग्जम्शन्स दे रखे हैं, क्लब्ज को, सोसाइटीज को, चैरिटेबिल ट्रस्ट को वह अगर विदड्रा करलें तभी आपको थोड़ी बहुत जमीन मिल सकती है। हम देखते हैं आज बम्बई में सांस लेने की जगह नहीं है, वहां पर 40 तो चालीस चालीस खण्डों के मकान हैं या फिर स्लम्स हैं। अगर वहां पर कोई खुली जगह है तो रेसकोर्स है या फिर और कितने ही क्लब्ज हैं जहां पर खुली जगह दिखाई पड़ेगा। हमारे पांडे जी का कहना ठीक है अगर आप पर्सन टु पर्सन, एरिया टु एरिया या सिटी टु सिटी डिस्पैरिटी को खत्म करना चाहते हैं और जैसा कि आब्जेक्टस ऐण्ड रीजन्स में आपने दिया है कि जनता के साथ हमारा कमिटमेण्ट है, हम उनको मकान देना चाहते हैं तो उनको मकान देने के पहले और इस बिल को लाने के पहले आपके लिए जरूरी था कि आप कैलकुलेट करते कि 500 स्क्वायर मीटर, 1000, 1500 या 2000 स्क्वायर मीटर एग्जम्पशन देने के बाद आपको कितनी जमीन मिलेगी। इस विधेयक

[श्री राम सहाय पांडे]

के माध्यम से अगर आप इस देश को यह बता सकते कि चार श्रेणी के शहरों में एग्जम्पशन देने के बाद, कम्पेन्सेशन देने के बाद हम इतनी जमीन बांट सकेंगे, इतने मकान बना सकेंगे, इतने लोगों के सिर पर छत दे सकेंगे तो अच्छा रहता लेकिन उस सम्बन्ध में इसमें कुछ नहीं है। आपका उद्देश्य केवल यही नहीं है कि यह बिल पास हो जाये। मैं समझता हूं क्लब्ज, मोस ईटीज, चरिटेबिल ट्रस्ट्स इत्यादि के नाम से जो एग्जेम्शन्स दे रखे हैं उनको अगर आप छेड़ा नहीं करते तो ए क्लास सिटीज में आपको कोई जमीन नहीं मिलेगी, बी क्लास में भी नहीं मिलेगी, हो सकता है सी और डी क्लास शहरों में कुछ जमीन मिल जाये।

रेट्रास्पेक्टिव इफेक्ट की बात इसमें कही गई है। 1971 के मेनिफेस्टो में हमने मेन्शन किया था धरती के सम्बन्ध में हमारा ध्यान पहले गांवों की तरफ गया तो हमने कहा हम लैण्ड रिफार्म करेंगे और उसका जो आब्जेक्टिव था वह यह था कि जिनके पास जमीन नहीं है उनको हम जमीन देंगे लेकिन उस काम को हम अभी नहीं कर पाये हैं। जमींदारी उन्मूलन के बाद हम उसको इम्प्लीमेन्ट नहीं कर पाये, लैण्ड रिफार्म्स के बाद हम भूमि का डिस्ट्रीब्यूशन नहीं कर पाये। हम उन लोगों को भी जमीन नहीं दे पाये जिनके पास कोई जमीन नहीं है। और आप ने इस क्लाज में यह प्रावधान रखा है कि कोर्ट में जायेंगे, हाई कोर्ट में जायेंगे, ट्राइब्यूनल होगा। उधर कन्टीटेंट अथोरिटी को रिफाइन नहीं किया है। वह कौन सी कम्पीटेंट अथोरिटी होगी? अगर श्रीगणेश पटवारी की तरफ से हो गया तो पटवारी, फिर तहसीलदार, फिर एस० डी० एम० और उस के बाद हाई कोर्ट। इस में तो सारा उद्देश्य ही फंस जायगा। तो कम्पीटेंट अथोरिटी की कहीं न कहीं डेफ़ीनीशन आपको देनी चाहिए। जब आप एक आश्वासन के साथ दृढ़ता के साथ कुछ करना चाहते है, चाहते है कि लोगों का हित हो तो लिटिगेशन से जो टाइम कन्ज्यूमिंग फ़ैक्टर है इस को समाप्त करना चाहिये था, वरना हमारा परपज ही डिफ़ीट हो जायगा। संविधान के अनुच्छेद 252 में प्रोवीजन है कि कानकरेंट सब्जेक्ट में पार्लियामेंट स्टेट्स की राय ले कर कानून बना सकती है, आप ने स्टेट्स से गाइडलाइन्स सीक की है, उस में प्रौपर्टी और लैण्ड के बारे में व्यवस्था की जा सकती है, लेकिन एक को आप ने ले लिया और दूसरे को नहीं लिया, अर्थात् लैण्ड आप ने ले ली और प्रौपर्टी नहीं ली। इस तरह से कैसे कम चलेगा। मैं अन्तर्राष्ट्रीय कंटेक्स्ट में एक बात कहता हूं कि मार्शल टीटो ने क्या किया? उस वक्त जितनी जमीन और जितनी प्रौपर्टी थी, अगर एक आदमी के पास 6 प्रौपर्टीज थी, तो सब से पहले उस से पूछा कि तुम्हारे परिवार में कितने सदस्य है, उस के हिसाब से एक खाका तय कर के उन्होंने देखा कि शहर में उस परिवार को क्या रिक्वायरमेंट हो सकता है, उतनी प्रौपर्टी छोड़ कर बाकी सब मार्शल टीटो ने कनफिस्केट कर ली। जैसे किसी के पास 6 बंगले है, हर बड़े शहर में, जैसे बंगलौर में, मैसूर में, कलकत्ता में, बम्बई में और मद्रास में और सब के साथ काफ़ी काफ़ी जमीन है आपने हर एक बंगले के साथ 500, 500 स्क्वायर मीटर जगह छोड़ दी और बाकी जमीन को ले लिया और उस का कम्पेन्सेशन दे दिया, तो यह क्या बात हुई। जब आप जमीन ले रहे है तो आप बतायें कि ऐसी परिस्थिति में आप क्या करेंगे आप देखें कि हर कैपिटलिस्ट

हाउस के पास या तो चैरिटी के नाम से या इन्स्टीट्यूशन के नाम से प्रौपर्टी है, या किसी एक सिंगिल मेम्बर के नाम से एक प्रौपर्टी यहां है तो बाकी प्रौपर्टी हिल स्टेशन पर है, बड़े बड़े शहरों में है तो उन के लिए यह कीजिए कि अगर एक ओनर है और उस के पास 6 बंगले हैं तो एक में 500 स्क्वायर मीटर का एरिया छोड़ देंगे और बाकी सब ऐक्वायर कर लेंगे । अब मान लीजिए किसी बंगले में 600 स्क्वायर मीटर जमीन है तो आप यह बताइये कि 100 स्क्वायर मीटर का आप क्या करेंगे ? और अगर कहीं ऐसा हुआ कि अगर किसी बंगले का लैंड 2000 स्क्वायर मीटर है और उन्होंने उसमें छोटे छोटे टेनेमेन्ट्स बना दिये 500 500 स्क्वायर मीटर कवर कर तो आप को क्या मिलेगा ? अगर आज से ही कंस्ट्रक्शन करा दे 500 500 स्क्वायर मीटर के हिसाब से टेनेमेन्ट्स बना दिये तो क्या होगा ? इसलिए मेरा निवेदन है कि अगर आप ने सेल और कंस्ट्रक्शन के काम को रेट्रोस्पेक्टिव इफेक्ट नहीं दिया तो आप को जमीन नहीं मिलेगी और जो होशियार ओनर्स होंगे वह आप का परपज आम्बाना में डिफीट कर देंगे ।

आप का उद्देश्य बहुत अच्छा है और कोई शक करने की गुंजाइश नहीं है, लेकिन कहीं कंस्ट्रक्शन का काम न रुक जाय । कंस्ट्रक्शन के काम में मैं बड़े बड़े भवनों की बात नहीं करता हूं , हम 10, 20 वर्ष से देख रहे हैं बम्बई शहर में 40, 40 खण्ड के मकान बन गये, लेकिन अगर पुराने टेनेमैन्टस न होते तो लोगों के रहने का कोई ठिकाना न होता । वैसे ही बम्बई में 6, 7 लाख लोग फुट पाथ पर सोते हैं क्या उन के लिए कोई प्रोवीजन कर सकेंगे ? एक, दो कमरे के जो पुराने टेनेमेंटस हैं उन का क्या होगा ? तीसरी बात यह है कि आप के ही नेतृत्व में बड़े बड़े ऊंचे मकान बन गये । लेकिन मैं आप ने इस बात पर गौर नहीं किया कि क्या यह सम्भव नहीं हो सकता था कि जब किसी सोसायटी को या प्राइवेट ओनर को 30, 40 खण्ड की इमारत बनाने की परमीशन दी थी तो आप यह भी कहते कि इतनी कौस्ट में आप को दो कमरे के मकान भी बनाने होंगे जिस में जनता उन में रह सकती । न तो इस में स्लम क्लियेरेंस की कोई बात है और न मामूली किराये पर रहने वालों का कोई प्राविजन है बल्कि अब तो यह हो गया है कि म्यूनिसिपैलिटी के रूल्स एण्ड रेगुलेशन्स में जितनी जमीन आती है वह एग्जेम्प हो गयी और 500 स्क्वेयर मीटर आप ने और एग्जेम्प्ट कर दिया । मैं नहीं समझता कि इस में आप को जमीन ए क्लास शहरों में मिलेगी । आप कम से कम यह पता लगा कर सदन को बताएं कि कितनी जमीन ए क्लास शहरों में मिलेगी कितनी बी सी और डी क्लास शहरों में मिलेगी और इस अपने उद्देश्य में आप कितना सफल होंगे ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं ।

श्री परिपूर्णानन्द पैन्यूली (टिहरी-गढ़वाल) उपाध्यक्ष जी माननीय मंत्री जी के इस बिल का मैं स्वागत करता हूं और इसलिए भी कि कांग्रेस का जब स्पिलिट हुआ था, उस समय 9 सूत्री कार्यक्रम में हम ने शहरी सम्पत्ति के राष्ट्रीयकरण की बात देश के सामने रखी थी और 1971 के इलैक्शन मैनीफैस्टो में भी यह बात रखी थी । इस के अलावा नरौरा कांग्रेस अधिवेशन में शहरी सम्पत्ति के समाजीकरण का प्रस्ताव किया गया था और हमारे राष्ट्र के नेताओं ने इस बारे में आश्वासन भी दिया था ।

[श्री परिपूर्णानन्द पैन्यूली]

इस मे कोई शक नही है कि यह जो नया विधेयक मत्री जी ने प्रस्तुत किया है, इस के द्वारा काफी बडी मात्रा मे भविष्य मे सम्पत्ति को कुछ ही लोगो के हाथो मे जाने से रोका जा सकेगा और शहरो मे जो बेताहशा जनसख्या में वृद्धि हो रही है, बेरोजगारी बढ रही है और जिस की वजह से शहरो मे गन्दगी और दूसरी खराबिया जैसे कि अपराध शहरो मे बढ रहे हैं, उन मे किसी हद तक रुकावट पैदा हो सकेगी। जैसा कि आप जानते हैं कि हिन्दुस्तान की आबादी का पाचवा हिस्सा शहरो मे रहता है और आबादी की रफ्तार अगर यही रही और देश मे जिस तरह से आबादी बढ रही है, उस के अनुपात मे आनेवाले 25 वर्षो मे शहरो की आबादी ढाई गुना बढ जाएगी। इसलिए मै समझता हू कि इस तरह के विधेयक की आवश्यकता थी। किन्तु मैं समझता हू कि इस विधेयक से ही हमारी समस्याए पूरी तरह से हल नही हो सकेगी और दूसरे शब्दो मे यदि मैं यह कहू कि इससे तो हमारी आशाओ पर तुषारपात हुआ है और समाजीकरण की घोषित नीति के अनुरूप यह विधेयक प्रस्तुत नही किया गया हैं, तो मैं समझता हू कि यह गलत नही होगा।

इस विधेयक मे आप ने 'परिवार' की परिभाषा ठीक तरह से नही की है और उस की व्यवस्था ठीक नही की है। 'परिवार' की जो, परिभाषा आप ने गाव की जमीनो का समाजीकरण करने के मामले मे की है वही इस पर भी लागू की जानी चाहिए थी।

दूसरी बात यह है कि खाली इतना ही काफी नही है कि शहरो की भूमि पर सीलिंग लागू करे। इस के साथ यह भी जरूरी है कि एक ऐसी सघन योजना बनाई जाय कि शहरी क्षेत्र और उस से मिला हुआ समस्त आनीण क्षेत्र जो है उस रीजन के विकास के लिए आपके पास एक इनटग्रटेड प्लान हो। मैं समझता हू कि शहरो के पास जो गांव हैं उन मे जो फार्म-होल्डर्स हैं उन को लिंक किया जाना चाहिए मार्केट के साथ और जो न्यूनतम सुविधाएं शहर के लोगों को उपलब्ध हैं, वह सुविधाए गांव के उस इलाके को नही देगे, जो उस क्षेत्र के आस-पास है, तब तक आप की यह जो योजना है, यह जो बिल है, इस की सार्थकता सिद्ध नही हो सकेगी क्योंकि शहरों मे सुविधाए होने के कारण गाव के लोग शहरो की ओर भागते हैं। गावो मे रोजगार मिले, तभी शहरो की तरफ लोगों का भागना रुक सकेगा।

इस विधेयक में, आप ने छोटे कस्बा के लिए 2 हजार स्केयर मीटर का क्षेत्र निर्धारित किया है। वह सर्वथा अनुपयुक्त है। मैं समझता हू 0 1 परसेन्ट पापूलेशन जो एफलयेन्ट सेक्शन की है, उस को छोड कर बाकी कितने आदमी है जो छोटे शहरो मे इतनी बडी जमीन पर अपने मकान बना सकते है या बना सकते हैं उस को मैन्टेन कर सकते हैं। इसलिए जो हमारी समाजवादी दृष्टिकोण है, जो समाजवाद की हमारी घोषणा है उस के अनुरूप यह नही होगा।

अन्त मे मैं माननीय मत्री जी को इस के लिए बधाई देता हू कि उन्होने यह विधेयक प्रस्तुत किया। उचित यह होगा कि इस मे जो खामिया रह गई है जिन का दूसरे मित्रो ने उल्लेख किया है, उनको ठीक करने के लिए यदि वे इस बिल को ज्वान्ट सलक्ट कमेटी मे भेजना उचित समझे, तो अच्छा होगा लेकिन मुझे ऐसा लगता है कि श्री रघुरमैया जी इस के लिए तैयार नही है।

इन शब्दो के साथ मैं इस विधेयक का समर्थन करता हू।

SHRI HARI KISHORE SINGH (Pupri) Mr Deputy-Speaker, Sir, I welcome this Bill particularly the part in which the hon Minister has indicated the purpose of the Government in introducing this Bill.

It is a sad commentary on the whole development of urban cities

that there is a rush, influx of population, from villages to cities. If this is not checked, then no amount of this kind of measure will come to the aid of the people who really live in slums or on the pavements in big cities like Bombay, Calcutta and other places. So, it is necessary that some thought should be given in that direction, and a long-term planning should be made to improve the conditions of the villages and also of the smalier towns, so that people do not come to big cities for medical facilities or educational facilities of in search of employment.

Regarding compensation. I would like to point out that the amount mentioned as compensation is too big. It should be modest.

Another point I would like to make is about the basis on which the cities or places have been selected. This has been done on the old basis of Administrative units. I feel that the places should have been selected on the basis of valuation or price of the land obtaining in those places. I know, even in small places, the price of land is fantastic. For example, in my own small town which is not included—and seeing the speed with which the hon. Minister is proceeding in this matter, I do not think it will be included because it is a town with a population of 20,000—the price of land is fantastic. So, some thought should be given to the price of land obtaining in various places, whether they have a small population or a big population.

I do not agree with my friends who have made the suggestion that the cooperative housing societies should not be excluded from the purview of this Bill because there might be some manipulation in cooperative housing societies. But it is also fact that, in most of the cities, the cooperative housing societies do cinsist of people who belong to the small income group of midle income or lower middle income group. So, exemption should be made here, and it has been rightly made. I have to suggest an amendment and I will speak at that stage...

SHRI K. RAGHU RAMAIAH: If I may intervene to correct the impression of the hon. Member, we have not exempted any cooperative house as such. What we have done is that, if any person comes forward with a scheme to build houses for low income group people, to that extent, that land will be kept out of the ceiling. So far as housing cooperatives are concerned, the land which obtains to the share of each shareholder therein will be counted against him.

SHRI HARI KISHORE SINGH: I differ on this issue fundamentally because, I believe, in many places because of the delay in geting permission from the local authorities, houses have not been constructed; the land has been acquired, but the applications have been pending, in some cases, for the last 20 years. I know a particular society in Patna where the application of members belonging to the middle income group has been pending finalisation since 1959; three of four times people have come to Supreme Court; there has been a lot of litigation In that kind of situation, what would you do?

MR. DEPUTY-SPEAKER: I do not see the differenece....

SHRI HARI KISHORE SINGH: Cooperative societies of genuine nature, consisting of middle income group or lower middle income grouo should be exempted from the purview of this Bill.

MR. DEPUTY-SPEAKER: I understood the Minister as saying that the share of the mebmer of the co-operative society in that land remains For calculation only much of land would be counted.

[Shri Hari Kishore Singh]

SHRI K. RAGHU RAMAIAH: Naturally, if it is in excess, it will be bit

SHRI HARI KISHORE SINGH: I am referring to a land which is vacant, where no construction has been done. not because of any fault of the members of the society, but because of the delay by the local authorities.

MR. DEPUTY-SPEAKER: If it is in excess, that will covered by this legislation.

SHRI HARI KISHORE SINGH: We should also bear in mind that Government have come out with 138 amendments. May be, some of them are of formal nature, but it does show that this requires a fresh look. So, I hope the Minister will reconsider the position.

SHRI BISWANARAYAN SHASTRI (Lakhimpur): Mr. Deputy-Speaker, Sir, this bill is quite welcome and the objective of this Bill is laudable It is mentioned in the Statement of Objects and Reasons:

> "With a view to ensuring uniformity in approach Government of India addressed the State Governments in this regard; eleven States have so far passed resolutions under article 252(1) of the Constitution empowering Parliament to undertake legislation in this behalf. The present proposal is to enact a parliamentary legislation in pursuance of these resolutions.
>
> The Bill is intended to achieve the following objectives:—
>
> (i) to prevent concentration of urban property in the hands of a few persons and speculation and profiteering therein;
>
> (ii) to bring about socialisation of urban agglomerations to subserve the common good by ensuring its equitable distribution;"

But the different clauses, as embodied in this Bill, are not comprehensive or sufficient enough to achieve that objective. An ancient poet of India said that a particular person was trying to cut a sal tree with the petals of a lotus. Racketeering on urban land and speculation and profiteering on land is a chronicdisease in our society and the provisions made in this Bill are quite insufficient and inadequate to remove this disease, to stop profiteering. I am not a lawyer and, therefore, I cannot say where the defect lies. But, from the common sense point of view, I can say that this Bill will not achieve the desired objective Therefore, there should be more specific and deterrent provisions.

For instance, it has been mentioned in the Bill that the cities will be classified into categories A, B, C and D and the vacant land permissable to be held in category D will be four times the land allowed for category A Has this been done, taking into consideration the respestive value of the particular land in a particular city? I do not think so, because within the city itself the value of land differs from place to place. In big cities like Bombay, Calcutta Delhi a vacant land in the heart of the city will be 10 or even 50 times more than the value of a land in the outskirts of the city. Therefore, it is my suggestion that in determining the area of the vacant land, the value of the particular land should also be taken into consideration. So, while determining the vacant land we should take into account the valuation cum-area.

Secondly, as pointed out by some of the previous speakers, a person may have some houses in the same State. For instance, a person may be owning residential buildings in Lucknow, Kanpur, Mussori and Naini Tal, that is to say, within the same State, or

in different States. There is no provision to check this.

MR. DEPUTY-SPEAKER: I think there is, if you have read the Bill.

SHRI BISWANARAYAN SHASTRI: I do not know how to tackle it. But, it has just come to my mind and, therefore, I am raising it. If a person owns more houses in the same State, the State Government can ensure that he or the members of his family do not own more than one house in the same State, either in their names or binami. But if the houses are in different States, then the Central Government have to come into the picture and act. How they will have to act, they will have to decide.

There is a provision here that if the construction of a house had already been there or just begun on a particular date, then this Act will not apply to the vacant land where that house is being constructed. In that case, a person may just fix certain pillars in a piece of land and say that it is a house in the process of construction. In that case the vacant land will not come to the Government and it cannot be acquired. That is my apprehension. I do not know the legal interpretation.

Different States have not yet issued notifications from which date it will come into operation in their particular States. For instance, take Assam. In the first instance it will not operate in Assam. Gauhati and other places have been enumerated in 'D' category. But Government of Assam will have to adopt a resolution and issue an order for its operation. Suppose somebody starts construction just now in Assam with due permission from the Municipal Authorities, that will also be deemed to be a construction on the vacant land.

These are some of the loopholes that have come to my mind.

It appears that it will not help the poorer section. It may hurt the middle section people belonging to the middle income group. They may purchase some land but may not be in a position to construct a house thereon. I am talking of a Government officer drawing Rs. 500 to 600 p.m. The land lying in excess of the limit will also be acquired but had there been a construction, there would have been no excess land. A man of resources can construct a house on a piece of land over-night or in a couple of days. Therefore, this Bill is likely to hurt the middle income group to some extent and favour the rich people to a great extent.

These are the shortcomings. A second thought may be given to this Bill so that it may achieve the desired objective.

DR. KAILAS (Bombay South): I congratulate the Minister for bringing this Bill so late at least after a couple of years, with very good intentions, but with so many anomalies, so many contradictions, so many loopholes. He says in the objects, I quote:—

> "to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good."

I think, Sir, you will see that objects of bringing about an equitable distribution, will be zero because he is not going to get a single metre of land as I can see in so many cities which I have visited as there are so many loopholes in the Bill. When we go into the classifications—A, B, C & D we find that in Bombay 500 sq. metres have been allowed, whereas in Poona which comes under category 'B' 1000

[Dr Kailas]

sq. metres have been allowed. Thana & Bombay are almost the same Thana is a boundary of Bombay, but 2,000 sq metres have been allowed in Thana Why should a person interested in profiteering or interested in building houses not go from Bombay to Thana to get the benefit of 1500 sq metres? Why should he not go to Nasik or Poona, because the classifications are so attractive as they have been made without consideration? Perhaps, the classification has been made on the basis of population which is a very very wrong way of looking at things This is a wrong way of looking at things Another point I wish to make is that there is going to be an Authority which has not been described I am told Tehsildar is also going to be the authority The Deputy Collector, Collector etc will be there and they are going to be given such powers I am sure by this corruption will breed in and things will go wrong What I suggest is that this Bill may go to the Joint Select Committee If the Minister cannot wait so long, let him bring it on the last day of the present session Let us have 3 or 4 days to convince him about our views I am very much worried about the Bombay City Already the Municipal Corporation is bankrupt and now looking to this Bill I am sure this will hit at the housing activities so much so that it will come to a standstill and hence the income of the Bombay Municipal Corporation will go down still more suddenly I have no doubt about this Clause 27 imposes restriction on mortgage I can understand this but I cannot understand why blanket restriction is put Definitely nobody can understand how a middle class person will build his flat or house without a loan What I am submitting is that if a person can build his house by getting loans from the LIC, ICICI NSFC, SICON etc These are the three institutions and LIC also will not be able to get loan as per clause 27 I am only talking about the middle class vacant land owner under the ceiling In Bombay, middle class people are there who are completely dependent upon the ICICI, NSFC and SICON and on LIC as I had already mentioned. Government of Maharashtra had almost made a *bandhan* on industrialists that they must construct houses for their staff etc and they are dependent upon these institutions from which they can get loan but under clause 27 this cannot be taken until and unless this provision is there Regarding Clause 19 I will talk when we take up the clause by clause discussion This is regarding exemptions to Charitable societies and Clubs as also cooperative societies Perhaps this is understandable for cooperative societies But when people were hearing for the four years or five years that urban ceiling Bill is coming, they have created these things like Charitable trusts or clubs and now they get exemption A serious thought should be given to these What I say is, he must understand the implications, whether the Government is going to get even an inch of land, even a metre of land in Bombay and hence the whole purpose of bringing this Bill will be defeated I suggest that this exemption clause should completely be taken away from it Section 28 says regulation of registration of documents, it is placing people into difficulties It says clearly that it is going to be at the sweet will be of the officer I do not understand this at all Please see now Schedule II Serial No 4 If you see this you will see how this will work against the middle class people

And hence I am requesting the Minister to kindly wait in passing this Bill till the last day of the session, if he cannot agree to end this Bill to the Select Committee because this Bill is full of contradictions and it will not produce the result with which you have brought this Bill with good intentions and for the good of the people

We are happy that we have enacted an act about the rural ceiling. Now the Government has brought forward the urban ceiling. But if it defeats the very purpose for which it has been

brought, it will perhaps create an imbalance between rural and urban areas. So, this should be thought of again very seriously and I request the Minister to kindly think of the two alternatives which I have said. I have now done.

SHRI VASANT SATHE (Akola): Sir, I begin by congratulating the hon. Minister for bringing forward this Bill. Although it is a half-hearted measure, something is better than nothing.

Sir, to-day, we bring under control the vacant lands in these big urban towns—vacant land above a certain ceiling. Then, under Section 27, we freeze all transfers of any urban property in these cities for the next ten years. Thus, the vacant land and freezing of lands, mortgages etc., together will at least enable us to take the next step later. I was hoping that this urban property Bill would be a comprehensive Bill relating to all urban property. I still fail to understand why that could not be done when the Resolution that was passed by 11 State Assemblies was in relation to the entire urban property. Therefore, I want to know from the hon. Minister what was the real impediment in his way for not bringing a Bill applicable to the entire urban property.

To-day these vacant lands of institutions like the charitable and other religious trusts who have acquired the lands for religious and charitable purposes he wants to exclude. Even the educational and cultural institutions and clubs and other things he wants to exclude. As far as the clubs and cultural institutions are concerned they are being built under the name of the trusts. You are not going to touch them as they are out of your purview. Narriman point was not one of the points in your 20 Point Economic Programme. That is also out of your purview. You have no control over the real urban properties where the black money has really found its way. If black money has been utilised to the maximum capacity, it is in real estates and jewellery, gold and other things. Be liberal if you have brought all urban property. I do not say you that you should not be liberal. You probably have some difficulty as somebody was trying to argue and satisfy me. After all, for a flat, if you put in a ceiling of Rs. 10 lakhs, there are flats and buildings the value of both of which is Rs. 5 lakhs or 6 lakhs. If the value is taken at Rs. 7 lakhs, then how do you divide this. Somehow it was argued like this. I say no difficulty arises on that basis at all. Be liberal. I do not mind it. For a city having a population of more than ten lakhs you may say that ten lakhs worth of property is the ceiling. And we agree to this. But at least, thereafter, if you cry, halt, then say 'thus far no further'.

So that you can take over the entire property, flats or buildings or whatever it is above Rs. 10 lakhs, under your regulations. Thus you will plug the loophole for utilising black money. Today your biggest need is to plough back, divert and utilise all these scarce resources now going into non-priority, non-essential quarters. Therefore, I have frankly, not understood the purpose of this half-hearted measure. But be it as it is, it is at least some step, better than no step. Therefore, I welcome the Bill.

There are lacunae. The Bill has 46 clauses. The very fact that the hon. Minister himself has tabled, I believe more amendments than the number of clauses, is, if correct, an eloquent testimoney to the fact that they have themselves realised that there are defects. If there are drafting defects, procedural defects or other things, it is better we apply our mind at this stage coolly and correct those defects than later on having to come back with amendments.

Then you are providing for appeal to the High Court. Under cl. 12 you constitute tribunals to decide disputes. In the same clause, you provide for

[Shri Vasant Sathe]

appeal. As it is today, the High Courts have power in writ, but you yourselves are giving powers to the High Courts by saying that a second appeal will lie to the High Court. Why do you want to protract litigation? You know how long it will take in High Courts, in second appeal particularly. That means, whatever you want to do, do you really want to achieve the objective or do you want to have the satisfaction that you have done something? I will tell you it will take ten years before your case is decided. How will you get the land? When will you get it? Therefore, if you are really serious, do not have this second appeal business at all. In fact, you should debar any review by High Courts or the Supreme Court. Writ will lie only on the strict question of law, if any, because there are also appeals on facts. Therefore, for heaven's sake, do not do it. In this matter, you are landing yourselves in difficulty in providing for this second appeal and constituting these tribunals as they are. Whatever you want to do, at least let there be a time-limit. This is the age of time-bound programmes. The hon. Minister explained this morning the laudable objective that he has in mind, he said he wanted these vacant lands so that for the weaker sections we would be able to provide houses. This is the object. If that very object is going to be defeated by putting all this land in litigation and dispute when will you create anything for the weaker sections?

Therefore, I beg of you to consider this. If you do not want a Joint Committee, I would not suggest it. After having said that this will apply from the date which you have mentioned, whether you refer it to a Joint Committee or not is not going to adversely affect the thing. But if there is any other consideration, that you wanted to just have it passed as a pat on the back I wish all luck to you in having it passed and we will give all our support to it, but consider it at least in these two days and two nights that you will have study and have these changes made and come with a better Bill.

SHRI S M SIDDAYYA (Chamarajanagar): Though the object of this Bill is very laudable, I think its provisions are very disappointing. Our Party in its 1971 election manifesto gave an assurance to the country that we are going to restrict urban property so that those people who were affected by land legislation in rural areas might also be satisfied that the same restrictions apply in the case of urban areas also. That position is still continuing. There are people in the rural sector who are saying that 'you are only imposing restrictions on rural property, not on urban property'. Then we had to give that assurance. That assurance is not being implemented.

The resolution passed by the various State legislatures has mentioned that they are agreeable to legislation being enacted by Parliament with regard to 'urban property'. This does not mean vacant land only but urban property as such.

I think that way we are not giving effect to the resolutions of the state governments. In addition to that there are so many loopholes in the Bill. The power to exempt is given to the competent authority and the state governments, so arbitrarily. Clause 20 says that having regard to the location of the land, the purpose for which it is being used or proposed to be utilised and such other relevant factor, if it is necessary and expedient in public interest, government may exempt from the provisions of this Act. Again, if the government is satisfied that the application of this Act would cause undue hardship to any person, the government may grant exemption. Everybody who is affected will come with the grievance that it is unduly hard on him. Why should such arbitrary

power be given to the state government in the matter of surplus vacant land.

The ceiling limit is too high and I am afraid that we may not be able to get any land at all, particularly in cities like Bombay, Delhi, Madras and Calcutta We have given exemption to the extent of 500 sq metres, if there is a building already constructed, then another 500 sq. metres With regard to the disposal of land, the state government can allot any vacant land to any person, including associaciations, organisations and others for any purpose relating to any industry and also for providing accommodation to its employees

There is talk about welfare of the weaker sections of the society that they will be given housing sites, etc The only section which deals with this matter is clause 21 which deals with certain cases where land will not be treated as excess land If a person who has got more than the ceiling limit declares that he is going to construct houses or dwelling units for the weaker sections of the society, immediately the government can say all right, you can keep the land with you and construct dwelling units as yau like Is that the proper way? Government should have taken the responsibility to give housing to the poorer sections Now it is left entirely to individuals Suppose no individual comes forward What will happen? No housing for the weaker sections?

This Bill seems to be unsatisfactory in other respects also It has been brought forward m haste, in such hurry that the government itself had to send in nearly forty amendments for a 46-clause Bill. Some of them are important and we want to consider them in some detail but there is no time and therefore I apprehend that we will not be doing justice to an important measure if we pass it as it is. I request the hon Minister in all fairness to refer the Bill to a Joint Committee so that it can consider it well and bring a comprehensive measure.

15.00 hrs.

श्री जगन्नाथ मिश्र (मधुबनी) इस विधेयक की हम बड़ी बेसब्र से प्रतीक्षा कर रहे थे। मंत्री महोदय ने इस विधेयक को ला कर के बडा ही सराहनीय कार्य किया है। कांग्रेस के कार्यक्रम मे यह अकित है कि शहरी भूमि की सीमा बांध दी जाएगी। प्रधान मत्री महोदय ने जो बीस सूत्री आर्थिक कार्यक्रम घोषित किया है उस मे भी इस बात का जिक्र है कि शहरी भूमि का अर्जन होगा।

महाशय, हकीकत यह है और इसाफ का तकाजा भी यह है कि जब गावो में हम ने भूमि की सीमा निर्धारित कर दी है तो शहरों मे भी हमे भूमि की सीमा निर्धारित कर देनी चाहिए थी और यह सरकार का एक पुनीत कर्तव्य भी था। ऐसा कर के सरकार ने अपने कर्तव्य का, मैं समझता हू पालन किया है।

इस अवसर मे मैं एक चीज कहने से अपने को रोक नही सकता हूं। जब तक यह बिल आया नही था तब तक मैं बडा सुनता था कि शहरी भूमि सीमा विधेयक क्यों नहीं आ रहा है और जब यह विधेयक आया है तो आलोचना की झडी लग गई है और कहा जा रहा है कि बिल मे यह नहीं है, वह नही है, जमीन का यह हो जाएगा और वह हो जाएगा। यह स्वाभाविक है कि जब किसी विषय पर हम चर्चा करते हैं तो इस तरह की चर्चाए होती ही हैं। लेकिन इस विधेयक की जो धाराये हैं और उन धारायें हैं उन को अगर गम्भीरता से पढ़ा जाए तो मैं समझता हू कि हतोत्साह और असन्तुष्ट होने की कोई आवश्यकता नही है। जैसे, श्रीमन्, इस विधेयक मे शहरो को चार कैटेगरीज मे बाटा गया है और इन का विवरण विधेयक की पृष्ठ सख्या 4 धारा 4 मे दिया गया है। मैं इस को दोहरा कर समय आपका नष्ट करु, यह आवश्यकता मैं नही समझता हूं। भूमि की अलग-अलग सीमायें भी कर

[श्री जगन्नाथ मिश्र]

दी गई हैं। भूमि का जो अर्जन किया जाएगा उस का मुआवजा किस आधार पर दिया जाएगा, किन नियमों के आधार पर और किस ढंग से दिया जाएगा, इस सब की व्यवस्था भी इस विधेयक मे कर दी गई है। पृष्ठ संख्या 9 धारा 11 ख और पृष्ठ संख्या 10 धारा 14 को अगर कोई पढ़े तो ये सब बातें साफ हो जाएंगी।

एक चीज बहुत एतराज की है। यह एतराज मैं ने पहले भी जाहिर किया था। यह मुआवजे के बारे मे है। मैं मान लेता हूं कि आप मुआवजा देते हैं। मुआवजे के ऊपर आप ब्याज भी दे देते है। इस मे भी आपने ब्याज देने का प्रावधान किया है और इस पर मेरा निजी एतराज है और आब्जैक्शन है।

इन्हों ने एक बडी होशियारी का काम किया है। इस विधेयक मे उन्हें ने मकान जो पहले से बन चुके हैं, आलीशान मकान, अट्टालिकाए, उन को इन्हों ने नही छेड़ा है, और ऐसा कर के इन्हों ने ठीक ही किया है क्योंकि इस से एक बहुत बड़ा बवडर उत्पन्न हो जाता है और हम अपने लक्ष्य से कुछ पीछे पड़ जाते हैं। जो भी काम हम करे अच्छा करे और उस का स्तर भी ऊचा हो और ऐसा न हो कि हमे बाद मे असफलता का सामना करना पड़े। मैं समझता हू कि यह जो विधेयक है, यह उसी लक्ष्य की ओर एक आगे का कदम है। विधेयक का लक्ष्य बिल्कुल साफ है। केवल अतिरिक्त खाली जमीन को अर्जित करने के ख्याल से यह विधेयक लाया गया है। इस विधेयक का जो इरादा है वह भी बड़ा नेक और पवित्र है। इस विधेयक के पारित हो जाने से सट्टेबाजी भूमि मे बन्द हो जाएगी। भूमि का जो अनावश्यक मूल्य बढ़ रहा है, उस मूल्य की दर मे कमी आएगी और अतिरिक्त भूमि की वास्तविक उपयोगिता सिद्ध हो सकेगी, वास्तविक उपयोग में वह आ सकेगी। अभी शहरों की जमीन के दाम आकाश छू रहे हैं। स्थिति ऐसी है कि गावों से लोग शहरों की ओर आ रहे हैं। उन के पास इतनी सम्पत्ति नही है, इतना पैसा नही है कि वे जमीन खरीद सकें। समाजवाद का जो नक्शा हमने अपने सामने रखा है, समानता लाने का जो विचार हम ने अपने सामने रखा है उस की ओर हम इस विधेयक के द्वारा बढ़ सकते हैं। किसी के पास रहने के लिए विशाल और विराट मकान हैं और कोई आकाश के नीचे रहे यह ठीक नहीं है। इस लिए मैं समझता हूं कि अर्जित भूमि उचित दामों पर वैसे लोगों को दी जानी चाहिये जिन के पास मकान नही हैं जमीन नहीं है, और उस पर मकान बनाने की व्यवस्था होनी चाहिये। इस तरह से हम अपने लक्ष्य की प्राप्ति की ओर अग्रसर हो सकेंगे।

इस सदन मे इस बात पर बराबर चर्चा होती रही है कि काले धन से समाज मे बडी विषमता पैदा हुई है, क्योंकि उस को मकानों मे लगाया जाता है। इस विधेयक के पास होने से मैं समझता हू कि काले धन से उत्पन्न विषमता बहुत हद तक दूर हो सकेगी। इसलिए इस विधेयक के द्वारा अतिरिक्त खाली जमीन को सरकार कब्जे मे अवश्य करे, और उस पर मकान बनाने की व्यवस्था करे और उन्हे गरीबों को मुहैया करे। इससे हमारा जो लक्ष्य है कि गरीबों को मकान मिले, उस मे हम सफल हो। इस आशा और विश्वास से मैं इस विधेयक का समर्थन करता हूं और मन्त्री महोदय का धन्यवाद करता हू।

PROF NARAIN CHAND PARASHAR (Hamirpur): Sir, I welcome the Bill not as it is, but as an indications of more stringent action to curb the rising urban properties. I hope that the scope to expand horizontally and vertically in the cities will be limited at a future date. The aims and objectives of this Bill are more clear than many of the provisions, though they

are limited in scope. The Bill primarily aims at preventing concentration of urban property in the hands of a few persons and speculation and profiteering therein. By limiting the scope of the Bill only to the vacant land, the purpose for which the Bill is being pushed forward has not been fully achieved. I do not agree with Shri Jagannath Mishra that by leaving aside the buildings already constructed, the minister has avoided the hornet's nest and has become clear about the direction in which he wants to proceed. Already people have constructed huge buildings. The aim of the 11 State Assemblies which have passed resolutions in this regard was to limit urban property in a manner semilar to what we are doing in the case of agriculture in rural areas. We were declaring that we were going to put a ciling on urban property, but all we have come up with is a measure to regulate and limit vacant land and provide for the taking over of land in excess of certain limits by the State Governments or by the competent authority. This is, therefore, a measure in a right direction to proceed further, but as it is, it is not sufficient.

The classification into A, B, C and D categories may lead to any number of controversies and complications. All the 11 State Assemblies which passed resolutions are not covered by this Bill. The names of three States do not come under any of the categories.

SHRI K. RAGHU RAMAIAH: We have fixed the quantum of population in each case. If there are no cities in those States which have that much population, naturally they are not mentioned here. But later on, if the State Governments want to include Sates with population between 1 and 2 lakhs, there is provision and they will automatically come.

PROF. NARAN CHAND PARASHAR: I am happy he has left some scope for the State Governments to proceed with.

Throughout India, 73 cities have been covered. In U.P. which has the largest population, there are only 12 cities. In Madhya Pradesh, largest in area, there are 8 cities and so on. Our attempt and purpose of circumscribing the growth of urban property and its expansion on whichever scale you call it, has been given a direction. But it is not fully in consonance with the aspirations of the people. People in rural areas, middle income groups and poorer sections of the society want much more. Why? There are specific reasons. The reasons are that people come from villages to cities but it is not their problem because if somebody constructs a small house of 25 sq. yards, he is not covered under this Bill. It is those people who have big houses and large tracks of land in urban areas, who are covered under this Bill and for them also certain loopholes have been provided so that they can escape. There are trusts, all types of societies and educational institutions. What I want to know from the Minister is that whether he can add the words 'recognised institutions by any University or Government'? Whether all those institutions which are registered will alone get exemption or all sorts of institutions which sprang up for the sake of fleecing money from the parents of their students, will be given exemption?

Seondly, I want to draw the attention of the hon. Minister to a particular section leading to declaration. After coming into operation of this Act, a person has to inform the competent authority about the extra land that he has. Here I find that if he wants to transfer it to somebody, he has to take permission from the competent authority and if the competent authority does not communicate the refusal to the applicant, then it shall be deemed that the permission has been granted. First of all, a limit, of 60 days has been granted. I think, this is a long period and make it one month. Secondly, if you say, "may grant or refuse to grant permission", this is a vague term and this should be clearly defined.

[Prof. Narain Chand Parashar]

The hon. Minister's objective is laudable but he will not be able to satisfy the large sections of the people, if he is confined to this Bill alone. For that, he has to bring about a comprehensive Bill. People want ceiling on all types of urban property.

श्री रामचन्द्र विकल (बांसवाड़ा) : उपाध्यक्ष महोदय, जो विधेयक सदन के सम्मुख है, उसका मैं समर्थन करता हूं । जैसा कि सभी माननीय सदस्यों ने कहा है यह विधेयक जरूर देर से आया है। इस बिल के साथ जो सरकारी संशोधन दिये गये हैं और माननीय सदस्यों ने इस पर जो विचार प्रकट किये हैं, उनसे यह स्पष्ट हो जाता है कि यह विधेयक देर से आने पर भी दुरुस्त नहीं है । मैं भी यह सुझाव देता हूं कि इस बिल को संयुक्त प्रवर समिति को भेजा जाये । अगर वह भी संभव न हो, तो मंत्री महोदय कम-से-कम 6 फरवरी तक, जब तक यह सदन चल रहा है, सभी माननीय सदस्यों को इस बारे में विचार प्रकट करने का मौका दें । इस विधेयक को देखकर मैं आज इस नतीजे पर पहुंचा हूं कि वित्त विधेयक को छोड़कर आइन्दा हरेक विधेयक पर पहले से कोई कमेटी बनाकर विचार किया जाये । इससे शायद समय भी बचेगा और माननीय सदस्यों के सुझाव भी पहले आ जायेंगे जिसके परिणाम स्वरूप विधेयक सही बनकर आयेगा और ज्यादा उपयोगी होगा ।

15.12 hrs.

[SHRI C M STEPHEN *in the Chair*]

श्री शिवनाथ सिंह और अन्य माननीय सदस्यों ने जो सुझाव दिये हैं । उन पर जरूर विचार करना चाहिये । इस बिल में कई बातें छोड़ दी गई हैं । मैं उन माननीय सदस्यों से सहमत नहीं हूं, जो कह रहे हैं कि गांव शहर की तरफ चले आ रहे हैं । लोगों की शिकायत तो यह है कि शहर गांव को खाते चले आ रहे हैं । चाहे वह दिल्ली हो या बम्बई अथवा कलकत्ता हो, शहर गांव को इस बुरी तरह से खाते जा रहे हैं कि उसको संभालना मैं इतने कम समय में नहीं कर सकता हूं । सरकार को इस पर गंभीरता से विचार करना चाहिये ।

होशियार और बुद्धिमान लोगों ने शहरों में भी अपने लिये काफी छूट ले ली हैं और गरीब आदमी पिस रहे हैं । उदाहरण के लिये क्लबों को इस कानून से छूट दी गई है । क्लब होशियार और समझदार लोगों की चीज है । इसकी तुलना में लोग डेरी-फार्मिंग मुर्गी-पालन या खेती के और कार्यों के लिये जमीन नहीं रख सकते । तो यह क्या है ? यह बुद्धि जीवी लोग जिस तरह से हर जगह शोषण करते हैं, इस विधेयक में भी उन्होंने शोषण कर रखा है । तो इस पर विचार होना चाहिये ।

यह बात भी सही है कि यह विधेयक भूमि के संबंध में आया । लेकिन लोगों की आकांक्षाएं और आशाएं थीं और हमारे मैनिफेस्टो में भी कहा गया था शहरी सम्पत्ति के बारे में, वह शहरी सम्पत्ति का विधेयक न आ कर केवल भूमि का आया है और उस में भी बड़े लोग काफी बचा जाएंगे चाहे सोसाइटी बना कर चाहे और किसी तरीके से, तो इस पर पुनर्विचार की बहुत आवश्यकता है । माननीय मंत्री जी दो दिन का समय ले लें और जिन लोगों को इस से शंकाएं उत्पन्न हुई हैं उन को बुला बुला कर एक एक बात उन से नोट कर लें, फिर उस के अनुसार इस विधेयक को ले आएं तो ज्यादा अच्छा होगा । मुझे भी शंका है । मैं इसी नतीजे पर आया हूं कि या तो आप इस को कमेटी में भेजें या दो दिन का मौका दें और दो दिन में उन को जरूर सुन लें जिन्होंने इस में भाग लिया है ।

श्री श्रीकिशन मोदी (सीकर) : मैं तो एक ही समस्या को पेश करना चाहता हूं । मान लीजिए कोई प्लाट 700 मीटर का है उस में से जो जमीन की सीलिंग है उस से कोई प्लाट बनता नहीं है, न वह किसी

को दी जा सकती है तो उस के बारे में क्या बात इस में रखी है ? आप उस 200 मीटर को किस तरह से लेंगे । दिल्ली में जैसे 500 मीटर आप ने रखा है । एक प्लाट बना हुआ है, उस प्लाट में जितनी जमीन छोडी जानी चाहिए आगे पीछे नक्शे के मुताबिक उस के अलावा 500 मीटर लेंगे या उस का मकान जो बना हुआ है उसको मिला कर सारा 500 मीटर लेंगे । जैसे 600 मीटर जमीन किसी के पास है, 100 मीटर उस मे काम आने वाली नही है, आप उस मे कोई प्लाट नही बना सकेंगे, किसी काम में नही ला सकेंगे तो उस 100 मीटर का क्या करेगे ? किस तरह से उस का बटवारा करेगे ? यह मैं जानना चाहता हू ।

श्री टी० सोहन लाल (करौल बाग) : सभापति महोदय, यह बिल आया, बहुत अच्छा हुआ । अगर मैं तो दिल्ली के बारे मे थोडा सा बताना चाहता हू कि इस बिल से अगर यह सोचा जाय कि शहर के अदर कुछ जमीन प्राप्त हो जायगी तो वह होने वाली नही है क्योकि जैसे मोदी जी ने कहा जो बगले बने हुए है जिन के पास 500 मीटर से ज्यादा लान है उसका क्या होगा ? इस के अदर खाली जगह को लेने की बात हैं । यहा दिल्ली और नई दिल्ली के अदर पाच पाच हजार गज के अदर मकान बने हुए हैं । अगर वह 5 हजार गज के मकान नही लिए जा सकते क्योकि खाली जगह ली जा रही है । अब खाली जगह तो चन्द कोठियो मे है प्राइवेट, बाकी ज्यादातर तो सरकारी बगले हैं ।

वह प्राइवेट कोठियो वाले अदालतों के अन्दर जाएगे और दस साल तक सरकार को वह जमीन लेने नही देगे ।

रहा सवाल यह कि इसका जो असर पड़ रहा है वह पड़ रहा है देहातों के अंदर क्योंकि दिल्ली के सभी विलेजेज दिल्ली म्यूनिसिपल कारपोरेशन के अदर आते हैं । और जगह के लिए 5 मील का दायरा छोडा गया है लेकिन दिल्ली के अदर तो सारे ही गाव म्यूनिस्पिल कारपोरेशन की लिमिट के अदर हैं । अब एक तरफ़ तो हम सरकार को कहते आ रहे हैं कि यह जो लाल डोरा बना हुआ है जिस के अदर 80 साल पहले जमीन छोडी गई थी काश्तकारी की जमीन के बाद जो रिहायशी आती है, उसमे अब परिवार बढने लग गए है तो दिक्कत आती है क्योंकि जितनी जमीन थी वह तो डी डी ए ने ले ली और प्लाट या कुछ जमीन आक्शन कर दी । जैसे नारायणा गाव की जमीन का आक्शन किया वह जमीन आक्शन के अन्दर 1800 रुपए मीटर तक गई है । दिल्ली मे जो देहात की जमीन है, मान लीजिए मेरी बात न भी मानी जाये, उस को ले लिया जाये तो क्या गारन्टी है कि डी डी ए उसको आक्शन भी करेगी । क्योकि यह इसमे लिखा नही है । अगर दिल्ली की जमीन के साढ बाइस गज के प्लाट गरीबों के लिए बना दिए जाये तब हम कुछ समझ सकते हैं लेकिन देहात मे जो चारा होता है, उसको वह काट कर लाते है उस को छोडा नही जा सकता है क्योकि वह जानवरो के लिए रखना पडता है तो उसके लिए वह जगह कहा से लायेग । इसलिए मैं कहता हू दिल्ली मे इसका सारा असर देहाता पर ही पडेगा । यहा पर सारे 360 गाव दिल्ली शहर के अन्दर आ गए है, कार्पोरेशन की जो सीमा है उसमे वह हैं इसलिए यहा पर कुछ भी बचता नही है । फिर भी मैं कहूगा यह बिल आया तो बहुत अच्छा है, कुछ न कुछ तो हुआ लेकिन सबसे अच्छा होता अगर यह सीमा रखी जाती कि सिर्फ पांच सौ मीटर ही छोडा जायेगा चाहे उसमें कुछ बना हुआ है या नही । जो कुछ बना हुआ है अगर उसको भी आप शामिल कर देते तो बड़ा अच्छा होता । नयी दिल्ली मे जैसे सिंधिया हाउस है वह बहुत बडी बिल्डिंग है—मेरा खयाल है 5000 मीटर

[श्री डी० सोहन लाल]

में यह बनी होगी। इसी तरह से रीयल बिल्डिंग है जोकि बहुत बड़ी है। यह जिनकी बिल्डिंग है उनकी अपनी कोठियां भी हैं। आप उनके लान्स में से 500 गज छोड़कर अगर कुछ अधिक होगी तो ले लेंगे। उनको सिर्फ घूमने की ही परेशानी हो सकती है तो वे अपना काम 500 गज में चला लेंगे। लेकिन जो उनकी लाखों रुपए की इनकम है उसमें कोई फ़र्क पड़ा नहीं। इसलिये मैं कहता हूं इस बिल में परिवर्तन न करना चाहिए। 500 मीटर में वह एरिया भी आ जाये जिस पर बिल्डिंग बनी हुई है तो फिर हमें तरवाह नहीं अगर देहात की जमीन भी जाती है तो जाये। हम देहातियो से भी कह सकते हैं कि हमने नयी दिल्ली में बिल्डिंग ली हैं इसलिये तुम्हारी जगह भी जा रही है तो कोई बात नहीं। चूंकि मैं दिल्ली का रहने वाला हूं इसलिए मैं दिल्ली की बात कह रहा हूं कि यहां पर इसका असर देहातियों पर ही पड़ रहा है। इसलिए मैं प्रार्थना करूंगा, जैसा कि और साहबान ने भी यहां पर कहा है कि इसपर सोचने समझने के लिए और जो इसमें गल्तियां रह गई हैं उनको ठीक करने के लिए अगर कुछ मौका दिया जाये तो अच्छा रहेगा, इन शब्दों के साथ मैं फिर आपसे रिक्वैस्ट करूंगा कि इसके ऊपर विचार किया जाये।

श्री बलीप सिंह (बाहर दिल्ली) : माननीय सभापति जी, मैं इस बिल का समर्थन करना चाहता हूं। हम काफी दिनों से एग्रीकल्चर प्रापर्टी के तरह से अर्बन प्रापर्टी पर सीलिंग लगाने की आवाज उठा रहे थे। हम समझते हैं कि अर्बन प्रापर्टी सीलिंग बिल यहां पर आना चाहिए था। हम सभी से कहते थे कि इस सेशन में अर्बन प्रापर्टी सीलिंग बिल लाया जायेगा लेकिन यह बिल सिर्फ अर्बन लैंड पर सीलिंग लगाने के लिए ही आया है। जो खाली पड़ी हुई लैंड पड़ी है केवल उसी के लिए यह बिल लाया गया है। इसका भी कुछ थोड़ा सा असर होगा, समाजवाद की तरफ हमारा कदम और बढ़ेगा लेकिन अगर अर्बन प्रापर्टी सीलिंग का बिल आता तो बहुत अच्छा होता, देश में एक नयी रोशनी पैदा होती कि जिस तरह से एग्रीकल्चर प्रापर्टी पर सीलिंग लगा दी गई है उसी तरह से अर्बन प्रापर्टी पर भी सीलिंग हो जानी चाहिए। मैं समझता हूं इस बिल पर काफी सोचने समझने की जरूरत है। मैं तो कहूंगा अगर हो सके तो पुनः विचार करके अर्बन प्रापर्टी सीलिंग बिल यहां पर लायें ताकि हमारी प्रधान मंत्री ने जो बीस सूत्री कार्यक्रम शुरू किया है उसमें लोगों को आभास हो सके कि अब शहरों के अन्दर भी ब्लैकमार्केटियर्स पर सरकार की नजर पहुंच चुकी है।

जैसा कि श्री सोहनलाल जी ने कहा, मेरी भी खास तौर से दिल्ली में रूरल कांस्टीटुएन्सी है, मैं ने मंत्री जी से कहा कि सारे देश में कहीं भी इसका कोई इफेक्ट रूरल एरिया पर नहीं है सिवाय दिल्ली के जहां सारा रूरल एरिया म्युनिसिपल लिमिट्स में आता है। और इसीलिये दिल्ली के रूरल एरिया के जो लोग हैं वह कहेंगे कि हिन्दुस्तान में किसी भी सूबे के अन्दर रूरल एरिया पर इस बिल से असर नहीं हुआ तो दिल्ली में क्यों और कैसे हुआ ? मंत्री जी ने कहा कि हम बम्बई, कलकत्ता और मद्रास में भी ले रहे हैं, लेकिन मैंने देखा कि वह तो आप 5, 6 किलोमीटर का एरिया ही ले रहे हैं, उसी तरह से दिल्ली में आप 7, 8 किलोमीटर का एरिया ले लीजिए जो कि अर्बन एरिया है। हमें इस में कोई एतराज नहीं होगा। लेकिन यहां तो आप पूरी दिल्ली के 35,40 किलोमीटर एरिया को ही ले रहे हैं जो कि बिल्कुल देहाती इलाका है जिस में लोग गांवों में रहते हैं। तो आप मेहरबानी कर के दिल्ली के अर्बन एरिया को लें और देहाती एरिया को छोड़ दें।

एक तरफ हम, कंसोलीडेशन कर रहे हैं गांवों के ऊपर और कह रहे हैं कि बसने की जगह कम है इसलिये लाल डोरा बढ़ाते जा रहे हैं जिस से लोग अपने मकान बना कर रह सकें। लाल डोरा में नक्शा आदि की इजाजत नहीं लेनी होती है, गरीब आदमी को 125 गज का प्लाट देते हैं और गरीब किसान अपने दो बीघा जमीन के टुकड़े को दे कर एक बीघा जमीन आबादी के लिये ले लेता है। अब जब आप देहाती इलाके को भी इस बिल के दायरे में ले रहे हैं तो गांव के लोगों को अपनी दुगुनी जमीन देने के बाद भी परेशानी हो जायगी। मान लीजिये किसी बाप के चार जवान बेटे हैं, जमीन बाप के नाम है और एक हजार गज जमीन उसकी है, उस के लड़के शादी शुदा हो गये उन के बच्चे भी और पैदा हो गये हैं आप ने 500 एक्वायर मीटर से ज्यादा उसकी जमीन ले ली तो वह बेचारा अपने लड़कों को आबाद होने के लिये 250, 250 गज जमीन भी नहीं दे सकता है। इसलिये आप ज्वाइट फ़ेमिली की बात कीजिये ताकि कम से कम जो चार नौजवान बेटे अगर किसी के हों तो उनको अपने बसने के लिए कम से कम 500 गज जमीन तो मिल जाये। इसलिये मेरा निवेदन है कि अगर हो सके तो इस वक्त इस बिल को पोस्टपोन कर के अर्बन प्रापर्टी के बारे में बिल लाये। उस अर्बन प्रोपर्टी में चाहे मकान बना हो, चाहे वह खाली हो, उसका सर्वे करा लीजिये और उस पर सीलिंग कीजिये ताकि ब्लैक मार्केटियस ने जो 2, 3, 4, 5, 10 लाख की कोठिया बनायी है वह उस कानून की पकड़ में आ सके। अगर आप अर्बन प्रापर्टी बिल लायेंगे तो ज्यादा से ज्यादा प्रोपर्टी आप के पास आयेगी और गरीब लोगों के लिये आप अधिक से अधिक मकान बना सकेंगे जिस से उनका भला होगा और आप का उद्देश्य भी पूरा होगा। इस तरह से देश के गरीब लोगों का भला होगा। इसलिये यहां पर अर्बन प्रोपर्टी सीलिंग बिल आना चाहिये बजाय अर्बन लैंड सीलिंग बिल के, यही मुझे कहना है।

MR. CHAIRMAN: The hon. Minister.

SHRI ERASMO DE SEQUEIRA: The amendments have been received just one second ago.

SHRI K. RAGHU RAMAIAH: I will explain them. These amendments are in response to the suggestions made by hon. Members. One of them relates to the phrase "its employees". It is likely to be construed as Government employees. As I explained, it is meant to be industrial employees.

The other amendment relates to the question raised whether in a multi-storeyed building a flat can be sold. I said that the intention is the ban should apply to that also, and that it should not be sold. These two amendments are meant to clarify the position.

I would say at the outset how thankful I am for the broad support I have got from all sections of the House. I am very guarded I do not think anyone on this side or that side has said anything against the basic concept of the Bill. Let us be clear about that

DR. KAILAS (Bombay South): Unanimous.

SHRI K. RAGHU RAMAIAH: I am glad that the support is not only broad, but unanimous.

There are differences in regard to what extent we can proceed further and whether what we have provided is adequate or inadequate opinion can differ on that. But one thing I would like to make very clear at the very outset is this. One of the allegations made by one of the hon. Members of the Opposition is that we are now applying it to certain vacant lands and not to buildings because of some lobbying or pressure or ulterior motive. I would like to refute it with all the emphasis at my command.

[Shri K. Raghu Ramaiah]

As I explained in the very beginning when I was moving the motion for consideration, the original idea of putting a ceiling on property valued at certain rates was given up because of the difficulties involved in that, because the prices very from place to place, from time to time and other problems The other point is why we have not included the buildings. In my earlier speeches, I have also pointed out the practical difficulties Suppose a building is to be cut Will it be done on the basis of valuation or is it on the basis of rooms? Then what would State Government do with that part of the building? These are all very grave problems When you go actually to the field, you will find difficulties But it does not mean that we are leaving the buildings all alone Those places and luxury buildings will not certainly go untouched.

We are giving guidelines to the State Governments because as I mentioned earlier, this is not a subject within the jurisdiction of the Central Government or this Parliament. Imposition of tax on those luxury buildings is one of the things which we are going to ask the State Governments to do themselves, because it is within their competence, with their jurisdiction

Mr Bhogendra Jha has said, why don't we proceed under Article 250 if we have got any difficulty about it But he should know that this Article applies to an emergency and any legislation passed under it ceases to have an effect at the expiration of six months of the emergency Therefore, that would not help What we are enacting is a measure for all time and that is possible only under Article 252. That is why, we are faced with the difficulty of levying tax. The guidelines will be confined to those package of measures, as I indicated in my earlier speech, which will deal with tax on urban land and buildings, which will discourage sufficiently, we hope, such luxury buildings.

Another criticism made is that the compensation is too heavy. It is said, why don't you give Rs. 10 per sq. metre. Nowwhere it says Rs. 10; it says, upto Rs. 10. The State may give Re. 1, Rs. 2, Rs. 3 and upto Rs. 10. That is the maximum.

(*Interruptions*)

Similarly, in the agglomerations C and D, it is upto Rs. 5. We cannot, at this stage, decide in view of the variation in price in different towns, of even in the same town in different localities. We cannot ourselves lay down a uniform rate. So, we have laid down the maximum.

AN HON MEMBER. Maximum two layers.

SHRI K. RAGHU RAMAIAH: Yes, you are quite right That is what we have done Regarding the other point about what we have done about the industries, I have already made it clear that this law applies to both land belonging to the industry as well as private residences We have, however, provided that if the State Government is satisfied that more land will be required by a particular industry than it is permitted to have that for its expansion it can go to the State Government and tell them, look this is the position, we want more land and the State Government is empowered to give it There is no intention whatsoever to make industry suffer because of this At the same time, we do not want industrial units to have more land than what is needed oy them I have come to know that there are certain industries which keep 200, 300 acres of land Now, the idea is to curb them, not to curb the genuine requirement of any particular industry.

SHRI DINEN BHATTACHARYYA: You have not provided for that.

(*Interruptions*)

SHRI K RAGHU RAMAIAH: We have provided for industrial units. You say that we should bring a more comprehensive measure. Even if you

make it more comprehensive. It cannot include buildings. That is no case for sending it to the Select Committee. I would point out one example. So much has been said that we have not defined building and that therefore, *jhuggies-jhompries* will also become buildings and therefore no land will be left. I would like you to kindly read the definition of vacant land.

It is defined as:

> "Land occupied by any building which has been constructed before or is being constructed on the appointed day with the approval of the appropriate authority, if any and the land appurtenant to such building."

The appropriate authority is the municipal authority or the penchayat or whatever it is. Any building constructed unauthorisedly, illegally, cannot be excluded from the scope of the vacant land. It is part of the vacant land.

SHRI DINEN BHATTACHARYYA: What is a building?

SHRI K. RAGHU RAMAIAH. Anything which they approve. After all, they are also responsible local municipal authorities. They cannot approve illegal, overnight structures to defeat the main objct of th Bill.

About cooperative housing societies, I think, one of our friends here, Shri Hari Singh, raised that point. I should make it clear if there is any misunderstanding. The land held by a cooperative housing society is excluded. But the cooperative housing society has to allot it to a member of the society. The moment it allots land, it is caught in the clutches of the Bill.

It is said that so many exemptions are given, that nothing will be left in Bombay, that nothing will be left in Calcutta and all that. If it is to give any encouragement and solace to the hon. Members, I may inform them that I had the good fortune of consulting the Chief Ministers of Maharashtra and West Bengal. They are thoroughly satisfied with the Bill. After all, they have no less interest in the common man, the weaker sections of the community, than what we have. I suppose, we grant that much. Surely we do not want to interfere in the normal working of our society, what we want to stop is the speculation, monopoly buying of the entire land by a few monopoly houses, profiteering and racketeering in land. That is our objective. Why should we, therefore, stop a poor religious society from owning land? God at least is not selfish, even if man is. There are religious and charitable societies, a society for the blind or a society for the deaf, etc .

SHRI VASANT SATHE: It is all right for you to say that God is honest and all that. But God operates only through men. And men are unscrupulous. As we have seen, the monopolists and such people are operating through the so-called trusts and religious institutions. Why are you exempting them? (*Interruptions*)

SHRI K. RAGHU RAMAIAH: I am very serious. I will explain this point. Of course, there are dishonest gods also. We know that. There are so many gods, bad gods, good gods, all kinds of gods.

One important point that I want to mention seriously is that in future however, this question does not arise. For, every inch of vacant land today will be vested in the Government. There is no question of anybody buying excess land. This applies only to such societies etc., which are in existence now and which have got vacant land. For good or bad, Government thought that we should not interfere with them. We have excluded certain societies because we felt that should not violently interfere with the ordinary run of life. For instance, when we say a 'club' it does not mean that any and every club will be exempted; it is only such clubs as are recognised by the State Governments as bonafide which will get the benefit of this. It is not that every mushroom club and every dishonest club will get it. For, is it

[Shri K. Raghu Ramaiah]

your intention that gymnasium and cricket clubs, for instance, should not have land? You, Shri Sathe, are yourself a master of cricket and you played it the other day; you organised a cricket match between the Rajya Sabha and the Lok Sabha; can it be your intention that cricket clubs should not have grounds for cricket? That would be too harsh. Therefore, certain exemptions have to be there. In fact, I thought you would congratulate me, that I am not so hard hearted as to take away every bit of land even from bonafide societies..

Now, as regards the second appeal, such a provision has been made in some of the land ceiling Acts. That is one of the reasons for which this has been put here.

SHRI VASANT SATHE: Have you put a time limit for disposal of appeals? If that is not possible, it will take even ten years, the appeal will get stuck. Then how will you give the land?

SHRI K. RAGHU RAMAIAH: Our whole judicial process will have to be reformed. If that is done, it will take care of this.

SHRI VASANT SATHE: Is there any mandatory necessity for providing for a second appeal?

SHRI K. RAGHU RAMAIAH: Because we have provided for it in some land ceiling legislation, we have provided for it here. If we find that this particular clause is holding up the proceedings, I will certainly come back immediately with an amendment.

SHRI BHOGENDRA JHA: Are you sure that you will be in this position at that time.

SHRI K. RAGHU RAMAIAH: I may not be, but the land cannot disappear.

I have confined myself to very broad categories of problems which have been right by raised; and if there are still any more problems....

DR. KAILAS: What is the basis on which the Minister has done this classification? People can go to Thane or Nasik and get 2000 or 1500 sq. metres and from Bombay they can go down in a few hours.

SHRI K. RAGHU RAMAIAH: The classification is on the basis of population and pressure of population determines the cost of land and also its availability. Because, in a city like Bombay or any othr city with a population of more than 10 lakhs, naturally, since the population is much more, land is more scarce. The pressure of population on land is so much that you cannot afford to give more. But in the case of cities which fall in categories C and D, you can afford to give a little more land. That is the idea. This is according to the pressure on land and the needs of the people. That is the basis of the classification of categories A, B, C and D.

SHRI HARI KISHORE SINGH: Why should it not be based on price of land?

SHRI K. RAGHU RAMAIAH: Suppose you say land worth Rs. 5,000 and suppose that, in a place 100 acres come within that. Are we to leave so much land for a person who can buy that much?

SHRI VASANT SATHE: In which Class 'C' city or town, can you visualise to get 100 acres of land for Rs. 5,000? Can you give us one example?

SHRI K. RAGHU RAMAIAH: Why do you take it so literally? You should not take it so literally. I meant only a large amount.

SHRI H. M. PATEL: Why is it that you have not referred to our request that this Bill be referred to a Select Committee? Weighty arguments were advanced in favour of that.

SHRI K. RAGHU RAMAIAH: I am sorry. I should have opened my remarks with that very pertinent question which has been raised by many

sections of the House. The point is this. This Bill has been held up for so long for various reasons. It is a very complicated measure. Government have come to the conclusion that the time has now come to put it on the statute book. In the normal circumtances, it would have gone to a Select Committee, but in view of the urgency ...

AN HON. MEMBER: What is the urgency?

SHRI K. RAGHU RAMAIAH: The urgency is this. People are asking, "Where is the Bill that you have been promising?" The Select Committee will take their own time. A Select Committee is a responsible body; it would like to go into it thoroughly. But we also know how often Select Committees come here for extension of time. Of course, it would be a good thing if Select Committee could go into it. But in this case, in view of urgency, we are not referring it to it. It is a question of judgment. Government have come to the conclusion that it would be better to have something immediately. Later on, if we find any difficulty in the working, we can always come back.

SHRI SHIVNATH SINGH: You claim that you are excluding agricultural land from the purview of this Bill. Who was that wisest man who suggested to you the definition of 'agricultural land'? We have had a definition of 'agriculture' throughout. Why are you excluding an those things which are included in the definition of agriculture'? That only means that you are not excluding agricultural land. It is only in name that you are doing it. Who was that wisest man who gave you that definition?

SHRI K. RAGHU RAMAIAH: I am that wisest man. It was my suggestion. I will explain why I have done that The categories excluded are of that type which can be planted overnight. That is why, we have said that it must be registered in the revenue register as agricultural land. Take, for example, poultry. I can bring some poultry and say that it is under poultry...

SHRI SHIVNATH SINGH: A club cannot be built overnight. But can a poultry be built overnight?

SHRI K. RAGHU RAMAIAH: Yes; it can be done. This is the spirit, whether you agree with it or not. The idea is to exclude genuine agricultural land which is registered as such and not land which, overnight, can be called as some kind of agricultural land.

SHRI HARI KISHORE SINGH: Clause 27 puts a bar on sale of property for ten years. I have no quarrel so far as persons having land above the ceiling are concerned. But why should those people, who are within the limits of ceiling, be barred? It will cause hardship to them. We have seen that, after the passage of the legislation regarding prohibition of money-lending in rural areas, people are facing hardship. Therefore, why should people who have only 500 sq. metres of land with building or without building be barred to sell it in cases of necessity?

SHRI K. RAGHU RAMAIAH: It is a very intelligent question. We have not banned that; we only want permission. Why? Because in the case of buildings, we are not legislating in view of the difficulties involved. But if the owner wants to sell it, the Government will have the right of pre-emption. The Government will buy, if it wants; otherwise if no reply is received within sixty days, the owner can sell it.

SHRI VASANT SATHE: Will this not mean a new source of income to the officials who will man this giving-permission business?

SHRI K. RAGHU RAMAIAH: For an honest man, nothing is income, and for a dishonest man, everything is income. It is our endeavour to see that all our officers are honest.

श्री रामचन्द्र विकल : एक तो शहरों की जो सीमा लगाई है 8 किलोमीटर या 10 किलोमीटर इस की परिधि कहां से शुरू करेंगे यह इस में स्पष्ट नहीं है । दूसरे विकास मंडल जहां सरकारी बने हैं उन्होंने या प्राइवेट कालोनाइजर्स ने जमीन बेच ली है, रुपया ले लिया है, रजिस्ट्री नहीं की है, इस का किस पर असर पड़ेगा ?

SHRI K. RAGHU RAMAIAH: Whether a land is owned by a private operator or anybody else, no distinction is sought to be made except to the extent that is covered by one of the exempted categories.

SHRI H. M. PATEL: It does make a big difference and it would be worthwhile for the Government to make a distinction between a private person who may want to develop a thing and a cooperative society. You say, you will not make any difference.

SHRI K. RAGHU RAMAIAH: Except to the extent provided.

SHRI H. M. PATEL: The Government appear to have made up their mind and not to have an open mind; Government has to decide ultimately, but before deciding, I again put it to you that this Bill would be greatly improved if you send it to a Select Committee. You said, it would take a long time and people would come for extension. Can't you conceive of a Select Committee to be appointed with a specific injunction that it submits its report within a specified period? What would you lose? It would mean two months more.

SHRI K. RAGHU RAMAIAH: I can undertand that this is a very genuine feeling, but I have already explained the reason why the Government wants to go ahead with this.

MR. CHAIRMAN: Has the Minister finished his reply?

SHRI K. RAGHU RAMAIAH: So far as I am concerned, I have finished my reply.

SHRI DINEN BHATTACHARYYA: In eastern part of the country, in Calcutta and Greater Calcutta, there are a large number of colonies, where thouands of refugees have settled themselves just after the independence and till now, they have not formally recognised or approved by the municipalities, but for all other practical purposes, they have settled there. What will be their fate? All of them are having kacha structures, not pucca structures.

SHRI BHOGENDRA JHA: I hope, the Minister will give due attention to the amendments, we have moved. I want some clarification. On page 2, this must not be the intention of the Government, I think. The last point on page 2 is:

> "'family' in relation to a person, means the individual, the wife or husband, as the case may be, of such individual and their unmarried minor children."

and they are excluded. It is defined that 'minor' means a person who has not completed her/his age of 18 years. That means by implication that if any child below 18 is married, he would be treated as a separate family.

Then there is another serious thing to which I want to draw the attention of the hon. Minister.

On page 4 it has been said:—

> "Any other area which the State Government may, with the previous approval of the Central Government, having regard to its location, population (population being more than one lakh)..."

What is the necessity of all this? We are leaving it to the State Governments. Why should we mention 1 lakh etc.? Why should we not delete it? The State Governments are very responsible. Please delete it at least.

We can bring all the District Headquarters of the country within the purview of this Act.

SHRI K. RAGHU RAMAIAH: So far as the refugee colonies are concerned, if the land belongs to the Government. . . (Interruptions)

SHRI DINEN BHATTACHARYYA: Some land belongs to the Government and some does not.

SHRI K. RAGHU RAMAIAH: If the land does not belong to the Government, the Government need not take it if the State Government feels that as a measure of justice, it should not take it. That is why when some people say, too vast a power of exemption has been given to the State Governments, I say there are so many unforeseen things which we have to provide for. It is open to the State Government to exempt anything which is necessary in the interest of public and this is one of them.

As regards married and unmarried persons, when a person gets married, he or she goes into another family and the girl or the boy's property is clubbed In fact, I find in many land legislations also, it is defined like this. There is a legislation specifying the age of marriage. Once a person is married, as explained, it goes into another family. If a married girl has a share it gets clubbed with husband's share and it becomes another unit.

SHRI BHOGENDRA JHA: Girls or boys of 5 years of age also marry.

SHRI K. RAGHU RAMAIAH: Marriage is a sacred institution and there are laws for the purpose as to when a peron should marry and when he should not. We are not encouraging anything. We are only encouraging the availability of houses for the poor sections of community by taking more land. Supposing you want to exempt even married children. . . . .

SHRI BHOGENDRA JHA: Of course, children above the age of 18.

(Interruptions)

MR. CHAIRMAN: Sufficient questions have been raised and these have been answered.

SHRI BHOGENDRA JHA: I had asked a question about the exemption of 1 lakh and the District Headquarters.

SHRI K. RAGHU RAMAIAH: About the District Headquarters, I may state they can change.

SHRI ERASMO DE SEQUEIRA: Kindly put my amendment separately.

MR. CHAIRMAN: Amendment No. 1 by Shri M. C. Daga.

SHRI M. C. DAGA: I am not pressing.

SHRI ERASMO DE SEQUEIRA: I object to the withdrawal.

MR. CHAIRMAN: Now that the withdrawal is objected to the amendment has to be put to the vote.

SHRI K. NARAYANA RAO (Bobbili): He has not moved at all.

16.00 hrs.

MR. CHAIRMAN: He has moved it already. I shall now put amendment No. 1 to the vote of the House.

The question is:

"That the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good, be referred to a Select Committee consisting of 15 members, namely Shri R. V. Bade, Shri Raghunandan Lal Bhatia, Shri Hiralal Doda, Shri Dinesh Chandra Goswami, Shri Indrajit Gupta, Shri C. H. Mohamed Koya, Shri Natwarlal Patel, Shri K. Raghu Ramaiah, Shri P. Narasimha Reddy, Shri Erasmo de Sequeira, Dr. H. P. Sharma, Shri B. R. Shukla, Shri Tayyab Hussain, Shri

[Mr. Chairman]

K. P. Unnikrishnan, and Shri G. Viswanathan with instructions to report by the 1st April, 1976.": (1)

The motion was negatived.

MR. CHAIRMAN: Now, I shall come to amendment No. 52 by Shri Halder.

SHRI KRISHNA CHANDRA HALDER: I press it.

MR. CHAIRMAN: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th May, 1976." (52)

The motion was negatived.

MR. CHAIRMAN: Now, the question is:

"That the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good, be taken into consideration."

The motion was adopted.

Clause 2. (*Definitions*)

MR. CHAIRMAN: Now, we take up clause by clause consideration. There are amendments to this clause.

SHRI RAMAVATAR SHASTRI (Patna): I beg to move:

Page 3, line 6,—

for "five" *substitute* "three" (13)

Page 3, line 8,—

for "five" *substitute* "three" (14)

Page 4, line 3,—

for "being more" *substitute* "less" (15)

सभापति जी, मेरा संशोधन दूसरे पृष्ठ पर है, जहां कानून को डिफाइन किया गया है । कानून के मुताबिक this act may be called 'Urban Land (Ceiling and Regulation) Act'. मैं इस को "अर्बन प्रोपर्टी सीलिंग एक्ट" करना चाहता हूं । क्यों ? हमारे देश मे जब देहातों मे जमीनों की हदबन्दी की बात चली थी, तो एक तबका हमारे देश मे ऐसा है खास तौर से किसानों के बीच मे, खेत मजदूरों के बीच मे, जो जमीन के बटवारे मे ज्यादा दिलचस्पी नहीं रखता था । उस तबके ने इस को रोकने के उद्देश्य से हगामा मचाना शुरु किया और अखबारों ने लिखना शुरु किया, इजारेदारों के अखबारों ने यह लिखना शुरु किया कि देहाती जमीन मालिको और जमीदारों के साथ अन्याय हो रहा है और अगर जमीन की हदबन्दी करना है तो शहरों मे भी शहरी सम्पत्ति की हदबन्दी होनी चाहिए । इस बात का बहुत बडा प्रोपेगेन्डा किया गया, प्रचार किया गया जिस का जवाब शासक दल के लोगों ने भी दिया और जो लोग शहरी सम्पत्ति की हदबन्दी और देहातों मे सीलिंग से ज्यादा जमीन को लेने के पक्षपाती थे, उन्होंने ऐसे लोगों को जो आम जनता थी, यह आश्वासन दिया कि पार्लियामेंट के अन्दर शहरी सम्पत्ति विधेयक जल्द से जल्द लाया जाएगा । इस बात की घोषणा सरकारी बेंचों से बार बार की जाती रही और कांग्रेस के नेता सदन के बाहर जनता के बीच मे यह घोषणा करते रहे कि हम शहरी सम्पत्ति की हदबन्दी चाहते हैं । आप यह बात कहते रहे लेकिन यह जो बिल लाया गया है यह

ठीक उस भावना के विपरीत है। केवल आप थोड़ी सी जमीन इस कानून के जरिये से लेना चाहते हैं जोकि खाली पड़ी हुई है और उस में भी छूट देने का सिलसिला आप ने किया है इसलिए मैं इसे पाखंड मानता हू। आप अब तक पाखंड जैसी बातें बोलते रहे हैं कि हम शहरी भूमि की हदबन्दी करना चाहते है। अगर आप सचमुच मे ऐसा करना चाहते है तो इस कानून को उसी रूप में सदन के सामने पेश किया जाना चाहिए न कि वर्तमान रूप मे। इसीलिए, सभापति जी, यह मेरा संशोधन है कि इस कानून को "शहरी सम्पत्ति हदबन्दी" कानून करना चाहिए जिस मे मकान, जमीन और दूसरी तमाम सम्पत्ति को हम इस के अन्तर्गत ला सकें और जो आज शहरों मे या देहातों में बड़े बड़े लोग है, धन्ना सेठ है और ऊंची ऊंची अट्टालिकाओं मे रहते है, उन मे जमीन ले सकें, मकान ले सके और जो गृह विहीन लाखों करोड़ों की तादाद मे देहातों मे रहते है और शहरों मे भी रहते हैं, उन के आवास की व्यवस्था कर सके। इसी उद्देश्य से मैंने अपना संशोधन पेश किया है और सरकार अगर सचमच समाजवाद के प्रति थोड़ी सी हमदर्दी रखती है तो मेरे इस संशोधन को स्वीकार करेगी और साधारण जनता को बुद्धू बनाने के लिए यह जो बिल लाई है, उस में यह संशोधन करेगी क्योंकि शहरी सम्पत्ति की हदबन्दी के बिना आप समाजवाद की तरफ नहीं बढ सकते। जैसे देहातों मे हदबन्दी हो रही है और जमीनों को निकाला जा रहा है उसी तरह से शहरों मे भी आप करे। हमें खुशी है कि बिहार में बड़े बड़े जमीदारों को और आपकी कांग्रेस पार्टी के भी जो बड़े बड़े जमीदार है जिन्होंने बेनामी ट्रान्जेक्शन्स कर रखे थे, उन को भी पकड़ा जा रहा है और ऐसे पकड़ने वाले अधिकारियों की हम तारीफ करते है और चाहते हैं कि उन को प्रोत्साहन दिया जाए। तभी जनता आपकी घोषणाओं पर विश्वास करेगी और प्रतिगामी शक्तियों के खिलाफ और मजदूरों के साथ मिल कर जोश के साथ डेलगी।

SHRI K. RAGHU RAMAIAH: I do not accept these amendments.

MR. CHAIRMAN: There are some other amendments which have been tabled.

SHRI BHOGENDRA JHA: I beg to move:

Page 2, line 41,—

omit "unmarried" (29)

Page 3, lines 6 to 9,—

omit ", and includes, in the case of any building constructed before the appointed day with a dwelling unit therein, an additional extent not exceeding five hundred square metres of land if any, contiguous to such minimum extent" (30)

Page 4, line 1.—

omit "previous" (31)

Page 4, line 3,—

omit "(population being more than one lakh)" (32

Page 4,—

omit lines 16 to 36. (34)

Page 5.—

omit lines 1 to 14. (35)

SHRI M. C DAGA: I beg to move:

Page 5,—

omit lines 29 to 32 (40)

SHRI KRISHNA CHANDRA HALDER: I beg to move:

Page 2, line 41.—

omit "unmarried minor" (53)

Page 5, line 2 —

after "agglomeration" *insert*—

"and includes land on which built area constitutes less than one half of the total area" (54)

[Shri Krishna Chandra Halder]

SHRI DINESH JOARDER: I beg to move,

Page 5 —

after line 8, *insert*—

"(iii) land occupied by any person or persons not being the owner of the land having no other house sites have constructed dwelling hutments on the land concerned and living there on the appointed day," (55)

Page 5,—

omit lines 9 to 14 (56)

SHRI ERASMO DE SEQUEIRA beg to move

Page 2, line 33 —

after 'Government *insert*—

"not below the rank of a Joint Secretary to that Government" (61)

Page 4, line 15,—

add at the end,—

"with a population of more than one lakh" (63)

Page 4,—

omit lines 18 to 36 (64)

SHRI S M SIDDAYYA I beg to move

Page 2,—

for lines 3 to 9, *substitute*—

'(g) "land appurtenant", in relation to any building, means the minimum extent of land required under the building regulations governing such building to be kept as open space for the enjoyment of such building which in no case shall exceed two hundred square metres,' (79)

Page 5,—

after line 14, *insert*—

'(r) "weaker sections of the society" means those persons whose annual income does not exceed rupees two thousand four hundred' (80)

SHRI HARI KISHORE SINGH: I beg to move

Page 3,—

for lines 25 to 27, *substitute*—

"(ii) to possess or have interest in such land as owner or as tenant or as mortgagee or under an irrevocable power of attorney or under an agreement of purchase whether by hire or otherwise or partly in one capacity and partly in any other capacity or capacities" (92)

Page 5 lines 1 and 2 —

for 'not being land mainly used for the purpose of agriculture'

substitute—

"not being land mainly used for the purpose of agriculture or earmarked for construction of industrial or public utility buildings' (94)

Page 5 line 3,—

after "land on which" *insert*—

'building activity has not been allowed by the local authority or" (95)

SHRI K RAGHU RAMAIAH I beg to move

Page 3, line 14,—

for "stage",

substitute "stages" (100)

Page 3, in line 16,—

for "association"

substitute "association or body" (101)

Page 3, in lines 22 and 23,—

for "in relation to any land (whether vacant land or not)",

substitute "in relation to any vacant land" (102)

Page 3, in line 28,—

for "same land"

substitute "same vacant land" (103)

Page 4,—

for lines 26 to 36,

substitute—

"(B) land shall not be deemed to be used mainly for the purpose of agriculture, if such land is not entered in the revenue or land records before the appointed day as for the purpose of agriculture:

Provided that where on any land which is entered in the revenue or land records before the appointed day as for the purpose of agriculture, there is a building which is not in the nature of a farm house, then, so much of the extent of such land as is occupied by the building shall not be deemed to be used mainly for the purpose of agriculture:

Provided further that if any question arises whether any building is in the nature of a farmhouse, such question shall be referred to the State Government and the decision of the State Government thereon shall be final;

(C) notwithstanding anything contained in clause (B) of this *Explanation, land shall not be* deemed to be mainly used for the purpose of agriculture if the land has been specified in the master plan for a purpose other than agriculture.". (104)

Page 3,—

for line 27, *substitute*—

"or partly in one of the said capacities and partly in any other of the said capacity or capacities." (121)

Page 4, line 12.—

for "any land situated" *substitute*—

"any land within the limits of an urban agglomeration and situated." (122)

SHRI NATHU RAM MIRDHA: I have tabled an amendment. We were entitled to move amendment upto 4 P.M.

MR. CHAIRMAN: It could not be circulated. He may read out his amendment.

SHRI NATHU RAM MIRDHA: I beg to move:

Page 5,—

after line 8 *insert*—

"(iii) in the case of any person not owning any building but owning only vacant land so much of the land as is going to be occupied by the building together with the land appurtenant to such proposed building." (154)

SHRI BHOGENDRA JHA: We have got some very serious exemptions in the form of explanations. That is the tragedy of this Bill. We have welcomed the Bill and opposed reference to a Select Committee because this was long awaited and should not be delayed further. But as my friend, Shri Ramavatar Shastri, has said, these exemptions are going to belie the hopes of the people and the country. Particularly, the poorer sections and the lower middle classes also who are without any house, any land in town or city. In that context I should like to appeal to the hon. Minister. The hon. Minister repeatedly emphasised the point that the state governments are competent enough and prudent enough to take a correct view of the case. In clause 2 they had again and again refused to accept an amendment seeking to omit 'the previous approval of the central government' for towns or cities with a population of over a lakh of people. If the state governments want to bring

[Shri Bhogendra Jha]

those towns or cities under the purview of this Bill, the previous approval of the central government is necessary. This Parliament gives its approval Through a notification they can do this. Here my amendment to clause 2, is for omission of the words, 'includes, in the case of any building constructed before the appointed day with a dwelling unit therein, an additional extent not exceeding five hundred square metres of land, if any, contiguous to such minimum extent." I want to point out that another exemption is given and I think hon. Minister should give thought to it I realise he is not free to accept or reject any amendment But this is an amendment which does not go against the spirit and even within his own limitations he should try to consider these amendments. . (*Interruptions*) There are limitations because it is a cabinet, collective decision, decision of the whole Government We have already kept under the ceiling 500 sq metres of occupied land; besides that 500 sq. metres of extra land is being given by the Bill for persons who are even now constructing buildings Even today if someone starts a building by the time the competent authority goes there and takes action, 500 sq metres of extra land can be given. So that portion should be omitted, so that the ceiling limit shall remain 500 sq. metres. Then it would not be possible to adopt fradulent violations through subterfuge methods Similarly, my other amendment seeks to delete the word 'previous' from 'previous approval in the case of cities, towns having a population of more than one lakh' If the state governments are responsible and prudent enough, even if they are not they should be so, why not leave it to them to do that On these two points the hon Minister should consider and delete the portions that I had indicated I am not asking for addition of words or phrases but simply for deletion of certain things so that the Bill will become at least to that extent more homogenous, less conradictory and less anomalous on those points. This is with regard to my amendments 29, 30, 31 and 32.

SHRI ERASMO DE SEQUEIRA : My amendment No. 61 seeks only to define the authority as being a person not below the rank of a joint secretary to the state government.

I submit that this is essential and these, in many cases, are major decisions which the competent authority is going to make and we should ensure that it is made by a person with sufficient seniority and sufficient experience. I think the Government should have no difficulty in accepting this amendment. Once they themselves said on a previous bill last week that this was considered to be a safeguard to provide such a person as a competent authority.

My next amendment is No 63. I think I am going to have a little more difficulty because I am not only baffling with the deafness that this Government has recently acquired but there seems to be a considerable distance between where I speak from and the place where the grey matter of the Government seems to work Sir, urban land has been defined about which I had explained when I was speaking at the first reading stage that—

> "(i) any land situated within the limits of an urban agglomeration and referred to as such in the master plan; or
>
> (ii) in a case where there is no master plan, or where the master plan does not refer to any land as urban land, any land situated in any area included within the local limits of a municipality (by whatever name called), a notified area committee a town area committee a city and town committee, a small town committee, a cantonment board or a panchayat"

What I am trying to convey to Government is, that by this definition, any

land in this country becomes urban land because any land that exists within the country is comprised within the limit either of an urban agglomeration or as a small town committee or cantonment or a panchayat. There is nothing as in this country outside of which any land can fall. And that is why I say to the Government that if it is their intention that this bill and its legislation should apply only to "urban land". They have already said that they want this definition to apply to agglomeration where there is a lakh of people. Then Mr. Raghu Ramaiah should have no difficulty in accepting my amendment where I have just added "with a population of more than one lakh" and that will make it clear that this will apply even when it is a panchayat with more than one lakh population. It may not be the position today, but it may be the position tomorrow.

(*Interruptions*)

It can happen which is something he cannot imagine I am prepared to show my friends the towns in Goa with a population in thousands So, what I am saying is once you have accepted that this should apply to urban centre with one lakh population, then make it very clear in this definition. Otherwise every village of India will become urban land.

Now, coming to amendment 64, I would submit that I have requested that presently 'agriculture' has been defined in a new form. But it was not being defined in the new form in the Bill. There is hardly any need to say about this but to exclude this portion, that is lines 18 to 36. But let define 'agriculture' as we know it. do not know how many times this has already been held by the courts

The explanation given by the Minister is not convincing because if the agricultural land is really to be exempted, let us say very clearly that it is to be exempted and leave it at that, because it is a new entry into the political field. There are enough provisions in this Bill to take care of it.

With reference to my amendment No. 63, I would request the Minister to consider it very very carefully because if he does not do that, then he is prohibiting the sale of any building constructed anywhere in India.

DR. RANEN SEN: Sir, I want to oppose this amendment, at least the first part of the amendment. It seems that he wants to mean that by this particular section the whole country can be covered. In fact, our friend, Mr. Bhogendra Jha, wanted to include all the district headquarters. Still he wants. It is not a question of 1 lakh. I do not know much about Goa, but I know about Maharashtra and West Bengal where these urbanised agglomerations are appearing even in panchayat areas. So, if they are excluded, urban agglomerations will appear even in those areas which he wants to exclude. He cannot make Goa the ideal for the whole of India. If his amendment is accepted, the major States of the country will suffer and I oppose his amendment.

SHRI S. M. SIDDAYYA: In clause 21, there is reference to construction of dwelling units for the accommodation of the weaker sections of the society. But the expression "weaker sections of society" has not been defined. So, my amendment No. 80 seeks to add this definition, which reads as follows:

> "weaker sections of the society" means those persons whose annual income does not exceed rupees two thousand four hundred.

hope the minister will accept this amendment.

SHRI NATHU RAM MIRDHA: I have moved an amendment to clause 2 which defines vacant land. If my amendment is not accepted, what will be the distinction between a man who only owns a plot of land and another man who owns a plot of land plus a house with appurtenant land. If a person owns a house, he will be able to possess 500 sq. m. plus another 500 sq m plus the land appurtenant

[Shri Nathu Ram Mirdha]

to the building which he has already constructed. That means, he will be entitled to keep 1000 sq. m. plus the land appurtenant to the building he has already constructed. Suppose another man owns only a plot of 700 sq. m. Because he has not been able to construct a house on account of certain circumstances. 200 sq. m. will be taken away from him and he will be left only with 500 sq. m. So, this will result in discrimination between two classes of persons and the law will be challenged in a court of law. Therefore, I have suggested the following amendment in clause 2(q) which defines vacant land'.

> "(iii) In the case of any person not owning any building but owning only vacant land, so much of the land as is going to be occupied by the building together with the land appurtenant to such proposed building"

If this sub-clause (iii) is added after sub-clause (ii) of clause 2(q), the law will not be challenged on the ground of discrimination. It will also do justice to people who own only land and no house Ultimately you want that hoarding of land and speculation should be prevented. You also want to do justice to the poorer sections Suppose a man has got only 1000 sq m. of land but no house You can allow him to keep 500 sq. m. plus some area required for construction of a building. To avoid distinction and to fulfil the basic objective of this law I have suggested this.

SHRI K. RAGHU RAMAIAH: So far as the first point is concerned which was raised by Mr. Ramavtar Shastri, I will reciprocate his sentiments but I am unable to accept his amendment. I have laboured at length in my introductory speech as well just now as to why we cannot include this thing in this Bill There will be guidelines which will be issued to the State Government and they will be explained in different ways.

Regarding Mr. Bhogendra Jha's point, I would like to say that we have to start from somewhere and so, we have started from one lakh. The whole concept of the central legislation is uniformity. We should be in a position to take care whether there is uniform policy all over India or not in cases where such uniformity is necessary.

Regarding the point raised by Mr. Sequeira—he wanted to raise the status of certain cities in his State—the State Governments are the best judges to decide this and we have left this to them.

Regarding Mr. Siddayya's point, I would like to say that it is very difficult for us sitting here to see conditions in different States. Economic conditions vary from State to State. Therefore, we have left it to the State Governments and the State Government will certainly, I hope, take into consideration and specify the details in the conditions which they prescribe when they give permission.

Regarding Shri Mirdha's amendment as to why we are giving additional 500 sq. yards, I would like to say that we are not touching buildings, but it does not mean that we are allowing them to go scotfree. The State Governments will levy taxes which will be heavy enough on luxury buildings and also on the other 500 sq. m. We are allowing the extra because representations have been made to Government that long before the Act, they have been enjoying certain compounds or have planned for them and that we should not completely lock them to the walls and he, therefore, agreed to this limited area. Beyond that, everything comes under the Act and will have to be accounted.

SHRI NATHU RAM MIRDHA: You are allowing 1000 sq. metre plus building.

But suppose a man having 1,000 sq. metres also did not know it. So he wants to make a reasonable construction, leave him 500 sq.m. plus a small land. So, he will be having much less than others. Therefore, it is much more advisable

SHRI K. RAGHU RAMAIAH: Probably, I have not sufficiently explained the point correctly made by the hon. Member. This additional 500 sq.m. will not go scot-free either They will tax it.

MR. CHAIRMAN: I am now proceeding to put the various Government amendments to the vote of the House

The question is:

Page 3, in line 14,—

for "stage",

substitute "stages" (100).

Page 3, in line 16,—

for "association"

substitute "association or body" (101)

Page 3, in lines 22 and 23,—

for "in relation to any land (whethen vacant land or not)",

substitute "in relation to any vacant land" (102)

Page 3, line 28,—

for "same land"

substitute "same vacant land" (103)

Page 4,

for lines 26 to 36

substitute—

"(B) land shall not be deemed to be used mainly for the purpose of agriculture, if such land is not entered in the revenue or land records before the appointed day as for the purpose of agriculture:

Provided that where on any land which is entered in the revenue or land records before the appointed day as for the purpose of agricutlure, there is a building which is not in the nature of a farm house, then, so much of the extent of such land as is occupied by the building shall not be deemed to be used mainly for the purpose of agriculture:

Provided further that if any question arises whether any building is in the nature of a farmhouse, such question shall be referred to the State Government and the decision of the State Government thereon shall be final,

(C) notwithstanding anything contained in Clause (B) of this *Explanation*, land shall not be deemed to be mainly used for the purpose of agriculture if the land has been specified in the master plan for a purpose other than agriculture.". (104)

Page 3,—

for line 27, *substitute*—

"or partly in one of the said capacities and partly in any other of the said capacity or capacities" (121)

Page 4, line 12,—

for "any land situated" *substitute*—

"any land within the limits of an urban agglomeration and situated" (122).

The motion was adopted.

MR. CHAIRMAN: Are there any hon. Members willing to withdraw their amendments? Since nobody is withdrawing any amendment, I shall

[Mr. Chairman]

now put all the other amendments to Clause 2 to the vote of the House.

Amendments Nos. 13 to 15, 29 to 32, 34, 35, 40, to 56, 61, 63, 64, 79, 80, 92, 94, 95 and 154 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 (*Persons not entitled to hold vacant land in excess of ceiling limit*)

Amendment made:

Page 5,—

for lines 17 to 19.—

substitute

"3. *Persons not entitled to hold vacant land in excess of the ceiling limit.*—Except as otherwise provided in this Act, on and from the commencement of this Act, no person shall be entitled to hold any vacant land in excess of the ceiling limit in the territories to which this Act applies under sub-section (2) of section 1.". (105)

(*Shri K. Raghu Ramaiah*)

MR. CHAIRMAN: Amendments Nos. 36 and 37 by Shri Bhogendra Jha.

SHRI BHOGENDRA JHA: I beg to move:

Page 5, line 16,—

omit "VACANT" (36)

Page 5, line 18,—

for "any vacant land" *substitute*—

"any land including the space covered by any building or buildings" (37)

I would like to press amendment No. 37 for a division.

MR. CHAIRMAN: I shall now put amendment No. 36 to the vote of the House.

Amendment No. 36 was put and negatived.

MR. CHAIRMAN: The quesion is:

Page 5, line 18,—

for "any vacant land" *substitute*—

"any land including the space covered by any building or buildings" (37)

The Lok Sabha divided:

Division No. 15] [16.44 hrs.

AYES

Bhargavi Thankappan, Shrimati
Bhattacharyya, Shri S. P.
Chandrappan, Shri C. K.
Dutta, Shri Biren
Halder, Shri Krishna Chandra
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Joarder, Shri Dinesh
Mohammad Ismail, Shri
Pandey, Shri Sarjoo
Parmar, Shri Bhaljibhai
Roy, Dr. Saradish
Sambhali, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavatar

NOES

Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Banera, Shri Hamendra Singh
Barupal, Shri Panna Lal

Basumatari, Shri D.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bheeshmadev, Shri M.
Chakleshwar Singh, Shri
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chhotey Lal, Shri
Chikkalingaiah, Shri K.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Das, Shri Anadi Charan
Dasappa, Shri Tulsidas
Deo, Shri S. N. Singh
Dhillon, Dr. G. S.
Dixit, Shri G. C.
Gavit, Shri T. H.
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gopal, Shri K.
Gowda, Shri Pampan
Hari Kishore Singh, Shri
Hari Singh, Shri
Jadeja, Shri D. P.
Jeyalakshmi, Shrimati V.
Jitendra Prasad, Shri
Kailas, Dr.
Kakodkar, Shri Purushottam
Kamble, Shri T. D.
Karan Singh, Dr.
Kotrashetti, Shri A. K.
Kureel, Shri B. N.
Laskar, Shri Nihar
Mahajan, Shri Vikram
Maharaj Singh, Shri
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Mirdha, Shri Nathu Ram
Modi, Shri Shrikishan
Mohan Swarup, Shri
Munsi, Shri Priya Ranjan Das
Oraon, Shri Kartik
Oraon, Shri Tuna
Painuli, Shri Paripoornanand
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Panigrahi, Shri Chintamani
Parashar, Prof. Narain Chand
Patel, Shri Natwarlal
Patil, Shri Krishnarao
Patil, Shri S. B.
Peje, Shri S. L.
Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodrabai
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri Nageswara
Ray, Shrimati Maya
Reddy, Shri K. Ramakrishna
Reddy, Shri P. Narasimha
Reddy, Shri Sidram
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Satpathy, Shri Devendra
Savitri Shyam, Shrimati
Sayeed, Shri F. M.
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri Nawal Kishore
Shastri, Shri Sheopujan
Shivnath Singh, Shri
Sohan Lal Shri T

Swaminathan, Shri R V.

Swamy, Shri Sidrameshwar

Tiwari, Shri Chandra Bhal Mani

Venkatswamy, Shri G

Virbhadra Singh, Shri

Yadav, Shri Chandrajit

Yadav, Shri R P

MR CHAIRMAN The result* of the division is:

Ayes 15, Noes 95

The motion was negatived.

MR CHAIRMAN The question is

"That clause 3 as amended, stand part of the Bill"

The motion was adopted.

Clause 3, as amended was added to the Bill

Clause 4—(*Ceiling limit*)

SHRI BHOGENDRA JHA I beg to move

Page 5, line 23—*for* "five hundred" *substitute* "three hundred" (3)

Page 5 line 23—*add* at the end—"including building" (4)

Page 5, line 25—*for* "one thousand" *substitute* "six hundred" (5)

Page 5, line 25—*add* at the end,—"including building' (6)

Page 5 line 27,—*for* "one thousand five hundred" *substitute* "nine hundred" (7)

Page 5, line 27—*add* at the end,—"including building" (8)

Page 5, line 29,—*for* "two thousand" *substitute* "one thousand two hundred". (9)

Page 5, line 29,—*add* at the end, —"including building" (10)

Page 5,—*after* line 29, *insert*,—

"(e) where such land is situated in the remaining cities with a population of more than one lakh in all the States and Union Territories of the country, one thousand two hundred square metres" (11)

Page 5,—*after* line 29, *insert*—

"(e) for all the district headquarters towns throughout the country, one thousand two hundred square metres" (38)

SHRI RAMAVATAR SHASTRI. I beg to move

Page 5 line 27—*for* "one thousand five" *substitute* "eight" (20)

Page 5, line 29,—*for* "two" *substitute* "one" (22)

Page 5 *after* line 29, *insert*—

"(e) where such land is situated in the remaining cities with a population of one lakh or more in all the States and Union Territories of the country, one thousand square metres" (24)

SHRI M C DAGA: I beg to move:

Page 5, line 23—*for* "five hundred" *substitute* "three hundred and fifty" (41)

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*The following Members also recorded their votes:—

AYES. Shri Dinen Bhattacharyya

NOES: Shri T. Balakrishniah.

Page 5, line 25,—*for* "one thousand" *substitute*—"three hundred and fifty" (42)

Page 5, line 27,—*for* "one thousand five hundred" *substitute*—"three hundred and fifty" (43)

Page 5, line 29,—*for* "two thousand" *substitute*—"three hundred and fifty" (44)

SHRI KRISHNA CHANDRA HALDER. I beg to move:

Page 5, line 23,—*for* "five" *substitute* "two" (57)

Page 5, line 25,—*for* "one thousand" *substitute* "four hundred" (58)

Page 5, line 27,—*for* "one thousand five hundred" *substitute* "six hundred" (59)

Page 5, line 29,—*for* "two thousand" *substitute* "eight hundred" (60)

SHRI S. M SIDDAYYA: I beg to move:

Page 5, line 23,—

for "five hundred" *substitute* "two hundred fifty" (81)

Page 5, line 25,—

for "one thousand" *substitute* "five hundred" (82)

Page 5, line 27,—

for "one thousand five hundred" *substitute*—"seven hundred fifty" (83)

SHRI HARI KISHORE SINGH: beg to move:

Page 6, lines 11 and 12,—

for "any scheme for group housing has been sanctioned by an authority competent in this behalf immediately before the commencement of this Act" *substitute*—"any scheme for group housing has been sanctioned by or is under process with the concerned authority or is permissible under the Master Plan or Development Plan of the area concerned immediately before the commencement of this Act" (96)

SHRI K RAGHU RAMAIAH: beg to move·

Page 6,

for lines 23 to 27, *substitute*

"*Explanation*.—For the purposes of this sub-section and sub-section (10),—

(i) "group housing" means a building constructed or to be constructed with one or more floors, each floor consisting of one or more dwelling units and having common service facilities:"; (106)

Page 6,

in line 34, *after* "transfer" *insert* "by way of sale, mortgage, gift, lease or otherwise"; (107)

Page 7,

for lines 6 to 8,

substitute

"by way of sale of such property, being vacant land, made by any person under a registered deed for valuable consideration in accordance with the provisions of such law or in pursuance of any sanction or permission granted under such law, shall be deemed to be a *bona fide* sale"; (108)

[Shri K Raghu Ramaiah]

Page 7,

for lines 9 to 13

substitute

"(5) Where any firm or unincorporated association or body of individuals holds vacant land or holds any other land on which there is a building with a dwelling unit therein or holds both vacant land and such other land then, the right or interest of any person in the vacant land or such other land or both as the case may be, on the basis of his share in such firm or association or body shall also be taken into account in calculating the extent of vacant land held by such person", (109)

Page 6,—

after line 14, *insert*—

Provided that not more than one dwelling unit in the group housing shall be owned by one single person" (123)

Page 6, line 15,—

for "Provided that" *substitute*—"Provided further, that" (124)

Page 6 lines 19 and 20,—

for "units of accommodation" *substitute*—"dwelling units" (125)

Page 6, lines 28 and 29,—

omit "Provided that not more than one such unit shall be owned by one single person," (126)

Page 6, line 38,—

for "shall be taken into account as being held by him."

substitute

"shall be taken into account, without prejudice to the rights or interests of the transferee in the land so transferred:

Provided that the excess vacant land to be surrendered by such person under this Chapter shall be selected only out of the vacant land held by him after such transfer" (127)

Page 7

after line 31 *insert*—

'(9) Where a person holds vacant land and also holds any other land on which there is a building with a dwelling unit therein, the extent of such other land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person

(10) Where a person owns a part of a building being a group housing the proportionate share of such person in the land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person

Explanation—For the purposes of this section and sections 6, 8 and 18 a person shall be deemed to hold any land on which there is a building (whether or not with a dwelling unit therein) if he—

(i) owns such land and the building or

(ii) owns such land but possesses the building or

possesses such land and the building, the possession, in either case, being as a tenant under a lease, the unexpired period of which is not less than ten years at the commencement of this Act or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities and partly in any other of the said capacity or capacities." (136)

SHRI BHOGENDRA JHA: I beg to move:

That in the amendment proposed by Shri K. Raghu Ramaiah, printed as No. 108 in List No. 13 of amendments,-

after "registered deed"

insert "before 17-2-1975" (150)

That in the amendment proposed by Shri K. Raghu Ramaiah, printed as No. 127 in List No. 14 of amendments,—

(i) *omit* "shall be taken into account, without prejudice to the rights or interests of the transferee in the land so transferred "

(ii) *for* "only" *substitute* "firstly" (152)

श्री रामावतार शास्त्री : इस विधेयक में आपने जमीनों का वर्गीकरण चार प्रकार का किया है, ए बी सी और डी और हदबन्दी का भी जिक्र आपने किया है । कलकत्ता, बम्बई, दिल्ली और मद्रास को आपने ए क्लास में रखा है और यहां के वास्ते आपने पांच सौ स्क्वेयर मीटर की बात कही है । पांच सौ स्क्वेयर मीटर का मतलब बिहार के हिसाब से चार कट्ठा होता है । यह वहां का नाप है । दूसरे वर्ग में आपने एक हजार स्क्वेयर मीटर रखा है जिसका मतलब होता है आठ कट्ठा । तीसरी श्रेणी में जिस में पटना शहर आता है आपने डेढ़ हजार स्क्वेयर मीटर रखा है जिसका मतलब होता है बारह कट्ठे और चौथी में आपने दो हजार स्क्वेयर मीटर रखा है जिसका मतलब होता है सोलह कट्ठे । सभी जानते हैं कि कलकत्ता, बम्बई दिल्ली और मद्रास जैसी जगहों में एक कट्ठे का भाव एक एक ओर दो दो लाख रुपये है । एक तो आपने बिल्डिंग्ज इस में शामिल नहीं की हैं और हमारे संशोधन को माना नहीं है दूसरे उसके अलावा आप इतनी जमीन भी छोड़ रहे हैं । मैं पटना की बात जानता हूं । वहां एक कट्ठे जमीन की कीमत कम से कम दस पंद्रह और बीस हजार हैं । अगर बारह कट्ठा जमीन छोड़ी जाए जिसका उल्लेख आपने इस में किया है तो कितना रुपया आपने उसको छोड़ दिया है इसका अंदाजा आप कर लीजिये । मकान भी छोड़ दिया है, इतना रुपया जमीन का भी छोड़ रहे हैं और फिर उनको आप मुआवजा भी देंगे, ये तीन तीन लाभ एक एक मकान मालिक, जमीन मालिक को आप दे रहे हैं जो कदापि उचित नहीं है, इसे अनुचित ही कहा जायगा । इससे असमानता बहुत कम नहीं होगी । अगर आप असमानता को कम करना चाहते हैं तो पहली श्रेणी में आप तीन सौ स्क्वेयर मीटर रखिये, दूसरी में छः सौ, तीसरी में आठ या नो सौ और मैंने आठ सौ की बात कही है और चौथी में दो हजार के बजाय एक हजार रखिये । ऐसा आपने किया तब तो कुछ जमीन मिलेगी । और जिन के पास जमीन नहीं है उनको दी जा सकेगी और जहां आवासीय गृहों की समस्या है उसका आप हल निकाल सकते हैं अन्यथा नहीं । हमारे बिहार में 32 डिस्ट्रिक्ट हैडक्वार्टर्स हैं जब कि आपने इसमें 4 शामिल किये हैं जिनके नाम हैं पटना, धनबाद, रांची और जमशेदपुर । अगर आप श्री भोगेन्द्र झा के संशोधन को मान लें तब तो मैं प्रैस नहीं करूंगा, नहीं तो मेरा संशोधन यह है कि आप पांचवे नम्बर पर ईसी जोडिये । जिसमें जिन शहरों की आबादी एक लाख है, उन तमाम

(श्री रामावतार शास्त्री)

जगहों पर इस कानून को लागू कीजिये और उन शहरों में भी एक हजार स्क्वायर मीटर जमीन छोड़िये, यही मेरे संशोधन का आशय है । आप एक वर्गीकरण और बढ़ा दीजिये और इसे 5 तरह का कर दीजिए ।

जमीन का जो आपने जिक्र किया है, जितनी छोड़ना चाहते है उसमे भी कमी कर दीजिये तभी कुछ जमीन मिलेगी और उसका उपयोग कर सकेंगे और नहीं तो इसका कोई बहुत ज्यादा फायदा नहीं होना ।

SHRI ERASMO DE SEQUEIRA: I want to oppose 136 Mr Chairman, I am speaking on amendment 136 moved by the hon Minister It is obvious from this amendment that the thinking that was given to this Bill before it come forward to the House was neither deep enough nor of any substantial nature because this is an amendment that substantially changes the character of the ceiling

They are providing that not only does the prohibition apply to land but it also applies to certain kind of buildings And it is obvious to all of us that this Government has not only ceased hearing, ceased listening, but has also ceased examining matters before they come to this House Under such circumstances my only recommendation is that they may go to the people on the 18th March, the end of their term and enable them to choose a new Government

With that, with your permission, I withdraw

Shri Erasmo de Sequeira then left the House

SHRI BHOGENDRA JHA In the garb of some new amendments the Minister has tried to give clean chit to those persons who have been trying and are trying and shall be trying to cheat this Government and the society and to further feat the purpose of this Bill He has moved an amendment which means that if any person has given his land to many other persons and that land to found to be above ceiling if that land has been fraudulently given as *benami* land then that land will be calculated as the land above ceiling, but will be taken only from the land of those persons who have transferred the land not from the land of the transfere Here an anomaly arises Suppose I do it today or tomorrow in the name of some person as *benami* land, then he is barring me the recovery of that land In the original provision, this is not there There it is mentioned that it will be calculated on the basis of total possession by that person Here, this is a very serious thing I do not understand whether he has understood the implications or not or he has hurriedly moved it If he has understood it then he is protecting it he is giving a signal to those frauds in this country that dispose of your land and transfer the land *benami* to other persons and the land will not be touched

So my amendment is that in place of "only" the word "firstly" should be substituted because, in the first place he should try to take it into his own possession, if he has got still the land But if he has disposed of the entire land then from the transferee also, because in his name he has done it Otherwise the whole purpose of the Act will be defeated

My crucial amendment No 38 is there There are four categories, A B C and D proposed by the Government I want to suggest another category E for all the district headquarters and towns throughout the country and the ceiling limit should be 1200 Sq metres For the fourth category, I have suggested the maximum limit of 1200 Sq metres For the fifth category also, I suggest a ceiling limit of 1200 sq metres, not more than that Throughout the

country, the people in towns and cities are looking forward and they are waiting to see what the Government is going to do for them. They do not know what mischief has been done to the various provisions of the Bill They do not know it It looks as if everyone has tried to see which land is to be saved, either owned by him personally or owned by any of his relations, by which provision, by which clause or sub-clause of the Bill.

This Bill should provide that it will be applicable immediately in the first place to all the district headquarters throughout the country Many towns and cities have not been touched. Even cities and towns with a population of five lakhs or six lakhs or even seven lakhs are not being covered This is the tragedy. Here, the people in such towns and cities will be very much disappointed They will feel that a fraud has been committed on them.

I would earnestly urge upon the hon. Minister, if he is in a position to have an open mind, to take some time have consultations and then decide about it and do something of which he may also be in a position to have some satisfaction, we may also feel satisfied and the House will also feel that we are not cheating the people and that we are honouring the commitment that has been made to the people.

श्री मूलचन्द डागा : सभापति महोदय, हमारे देश में रोटी, कपड़ा और मकान का नारा लगाया जाता है । आज यहां पर मकान की बात हो रही है । हिन्दुस्तान में सात करोड़ लोग ऐसे हैं, जिन के पास रहने के लिए मकान नहीं हैं । मैं अभी तक इस बात को समझ नहीं सका हूं कि एक जगह 500 स्क्वेयर मीटर की सीलिंग रखी गई है, दूसरी जगह 1,000 स्क्वेयर मीटर की और किसी जगह 1500 स्क्वेयर मीटर और 2000 स्क्वेयर मीटर की । अगर सरकार सात करोड़ लोगों को मकान देना चाहती है, तो सब को एक सा मकान मिलना चाहिए । अगर मैं एक बड़ा आदमी हूं, पैसे वाला हूं, तो मैं गांव में नदी के किनारे एक आलीशान मकान बनाना चाहूंगा । इस का मतलब यह है कि मैं 2000 स्क्वेयर मीटर जमीन पर अपना मकान बनाऊंगा । मैं समझता हूं कि सब को 350 स्क्वेयर मीटर जमीन दी जाये, हालांकि लोग कहते हैं कि 250 स्क्वेयर मीटर भी मकान बनाने के लिए काफी है ।

भूमि का आवंटन करते समय सरकार ने यह निर्णय लिया था कि गावों में रहने वाले लोगों को केवल 150 वर्ग गज जमीन दी जायेगी । प्रश्न यह है कि शहरों के लिए सीलिंग कानून में वह ए, बी, सी और डी, ये चार श्रेणियां क्यों बनाना चाहती है । जब सरकार स्वयं कहती है कि बड़े बड़े आलीशान मकान न बनें, मकान पर ज्यादा पूंजी खर्च न हो—बड़े मकान पर ज्यादा पूंजी लगेगी—, तो फिर कुछ श्रेणियों को इतनी जमीन क्यों दी जा रही है? मैं इस बारे में सरकार के क्राइटेरिया को नहीं समझ सका हूं ।

लैंड सीलिंग प्राडक्शन पर डिपेंड करती है । जब इस बिल के द्वारा मकान के लिए जमीन दी जानी है, तो हर एक आदमी को एक सा मकान और एक सी जमीन दी जानी चाहिए। ज्यादा जमीन पर बड़ा मकान बनाया जायेगा, और जब कोई बड़ा मकान बनायेगा, तो वह किरायेदार रखेगा और किराया वसूल करेगा । इसलिए मैं चाहता हूं कि इन ए, बी, सी और डी श्रेणियों को खत्म कर दिया जाये और सब को 350 स्क्वेयर मीटर जमीन दी जाये । मुझे आशा है कि मंत्री महोदय मेरे इस सुझाव को स्वीकार करेंगे । सरकार ने ये श्रेणियां किस आधार पर बनाई हैं, यह मैं समझ नहीं सका हूं ।

17.00 hrs.

MR CHAIRMAN: Now the Minister will reply.

SHRI K. RAGHU RAMAIAH: The point raised in about the ceiling limit—as to why it should not be less than

[Shri K. Raghu Ramaiah]

500 and why it should be 500. Shri Ramavatar Shastri suggested 300 to 600 while Shri Daga suggested 300 uniformly for all.

SHRI M. C. DAGA: Yes, for all; there should not be these categories of A,B,C and D.

SHRI K. RAGHU RAMAIAH: So you can see that even among the Members who have spoken, there is difference of opinion. So, one suggestion is as good or as bad as another; and this is our view.

SHRI BHOGENDRA JHA: You have not replied about District Headquarters.

SHRI K. RAGHU RAMAIAH: About district headquarters it depends on what is now the district headquarters. Supposing tomorrow it is not there, what will happen?

MR. CHAIRMAN: Now I put amendments Nos. 150 and 152 by Shri Bhogendra Jha, being amendments to Government amendments, to the vote of the House.

Amendments Nos 150 and 152 were put and negatived.

MR. CHAIRMAN: The question is:
Page 6,

for lines 23 to 27

substitute

"*Explanation.*—For the purposes of this sub-section and sub-section (10),—

"group housing" means a building constructed or to be constructed with one or more floors, each floor consisting of one or more dwelling units and having common service facilities (106)

Page 6,

in line 34, *after* "transfer"

insert "by way of sale, mortgage, gift, lease or otherwise"; (107)

Page 7,

for lines 6 to 8

substitute

"by way of sale of such property, being vacant land, made by any person under a registered deed for valuable consideration in acoordance with the provisions of such law or in pursuance of any sanction or permission granted under such law, shall be deemed to be a *bona fide sale*"; (108)

Page 7,

for lines 9 to 13

substitute

"(5) Where any firm or unincorporated association or body of individuals holds vacant land or holds any other land on which there is a building with a dwelling unit therein or holds both vacant land and such other land, then, the right or interest of any person in the vacant land or such other land or both, as the case may be, on the basis of his share in such firm or association or body shall also be taken into account in calculating the extent of vacant land held by such person"; (109)

Page 6,—

after line 14, *insert*

"Provided that not more than one dwelling unit in the group housing shall be owned by one single person" (123)

Page 6, line 15,—

for "Provided that" *substitute* "Provided further, that" (124)

Page 6, lines 19 and 20,—

for "units of accommodation" *substitute*—

"dwelling units" (125)

Page 6, lines 28 and 29,—

omit "Provided that not more than one such unit shall be owned by one single person,' (125)

Page 6, line 38,—

for "shall be taken into account as being held by him"

Substitute

"shall be taken into account, without prejudice to the rights or interests of the transferee in the land so transferred

Provided that the excess vacant land to be surrendered by such person under this Chapter shall be selected only out of the vacant land held by him after such transfer" (127)

Page 7,—

after line 31, *insert*—

"(9) Where a person holds vacant land and also holds any other land on which there is a building with a dwelling unit therein, the extent of such other land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person

(10) Where a person owns a part of a building being a group housing, the proportionate share of such person in the land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person

Explanation.—For the purposes of this section and sections 6, 8 and 18 a person shall be deemed to hold any land on which there is a building (whether or not with a dwelling unit therein) if he—

(i) owns such land and the building, or

(ii) owns such land but possesses the building or possesses such land and the building, the possession, in either case, being as a tenant under a lease, the unexpired period of which is not less than ten years at the commencement of this Act or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities and partly and other of the said capacity or capacities" (136)

The motion was adopted

MR CHAIRMAN Now we have other amendments Shall I put them together?

SHRI BHOGENDRA JHA No 38 may be put separately

MR CHAIRMAN The question is Page 5,—

after line 29 *insert*—

"(e) for all the district head quarters towns throughout the country one thousand two hundred square maters" (38)

Let the lobby be cleared

The Lok Sabha divided

Division No 16]

[17.07 hrs

AYES

Bhargavi Thankappan, Shrimati
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S P
Buta Singh, Shri
Chandrappan, Shri C K
Halder, Shri Krishna Chandra
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Joarder, Shri Dinesh
Mohammad Ismail, Shri
Pandey, Shri Sarjoo
Roy, Dr Saradish
Sambhali, Shri Ishaque
Sen, Dr Ranen
Shastri, Shri Ramavatar

NOES

Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri

Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banera, Shri Hamendra Singh
Barupal, Shri Panna Lal
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bheeshmadev, Shri M.

Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chhotey Lal, Shri
Chikkalingaiah, Shri K.

Daga, Shri M C.
Dalip Singh, Shri
Das, Shri Anadi Charan
Dasappa, Shri Tulsidas
Deo, Shri S. N. Singh
Dixit, Shri G. C.
Gavit, Shri T. H.

Gogoi, Shri Tarun
Gopal, Shri K.

Hari Singh, Shri

Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jeyalakshmi, Shrimati V.
Joshi, Shri Popatlal M.

Kailas, Dr.
Kotrashetti, Shri A. K.

Laskar, Shri Nihar

Mahajan, Shri Vikram
Maharaj Singh, Shri
Majhi, Shri Kumar
Malaviya, Shri K. D.
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Mohan Swarup, Shri
Munsi, Shri Priya Ranjan Das

Oraon, Shri Kartik
Oraon, Shri Tuna

Painuli, Shri Paripoornanand
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Parashar, Prof. Narain Chand
Patil, Shri Krishnarao
Peje, Shri S. L.

Raghu Ramaiah, Shri K.
Rai Shrimati Sahodrabai
Ram Singh Bhai, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri Nageswara
Ray, Shrimati Maya
Reddy, Shri K Ramakrishna
Reddy, Shri P. Narasimha
Reddy, Shri Sidram
Rudra Pratap Singh, Shri

Saini, Shri Mulki Raj
Samanta, Shri S. C.
Satpathy, Shri Devendra
Sayeed, Shri P. M.
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shastri, Shri Sheopujan
Shivnath Singh, Shri
Sohan Lal, Shri T.
Swamy, Shri Sidrameshwar

Tiwari, Shri Chandra Bhal Mani
Yadav, Shri Chandrajit
Yadav, Shri R. P.

MR. CHAIRMAN: The result* of the division is:

Ayes: 15; *Noes* 77

The motion was negatived.

MR. CHAIRMAN: I shall now put all the other amendments together to the vote of the House

Amendments Nos. 3 to 11, 20, 22, 24, 41 to 44, 57 to 60, 81 to 83 and 96 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 4 as amended, stand part of the Bill."

The motion was adopted.

Clause 4, *as amended, was added to the Bill.*

Clause 5 (*Transfer of vacant land*)

Amendment made:

Page 7,

in line 36, *after* "or otherwise," *insert*

"the extent of the land so transferred shall also be taken into account in calculating the extent of vacant land held by such person and". (111)

(*Shri K. Raghu Ramaiah*)

MR CHAIRMAN. The question is:

That Clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, *as amended, was added to the Bill.*

Clause 6 (*Persons holding vacant land in excess of ceiling limit to file statement*)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 8, line 13,

for "such period as may be prescribed"

substitute "ten days" (25)

SHRI K. RAGHU RAMAIAH: I beg to move:

Page 8, line 2,—

after "incapacitated" *insert*—

"and where both the husband and the wife are absent from India or are mentally incapacitated from attending to their affairs, by any other person competent to act on behalf of the husband or wife or both;" (128)

Page 8,—

after line 19, *insert*—

"Provided that in relation to any State to which this Act applies in the first instance, the provisions of this sub-section shall have effect as if for the words 'Every person holding vacant land in excess of the ceiling limit at the commencement of this Act', the words, figures and letters, 'Every person who held vacant land in excess of the ceiling limit on or after the 17th day of February, 1975 and before the commencement of this Act and every person holding vacant land in excess of the ceiling limit at such commencenment' had been substituted," (137)

Page 8,—

for lines 28 and 29, *substitute*—

"(2) If the competent authority is of opinion that—

(a) in any State to which this Act applies in the first instance, any person held on or after the 17th day of February 1975 and before the commencement of this Act or holds at such commencement; and

(b) in any State which adopts this Act under clause (1) of article 252 of the Constitution, any person holds at the commencement of this Act,

*Shri Mahavir Mirdha also voted for NOES.

[Shri K Raghu Ramaiah]

vacant land in excess of the ceil ing limit, then, notwithstanding anything contained in" (138)

SHRI BHOGENDRA JHA I beg to move

That in the amendment proposed by Shri K Raghu Ramaiah, printed as No 137 in List No 15 of amendments,—

omit "and before the commencement of this Act and every person holding vacant land in excess of the ceiling limit at such commencement" (153)

श्री रामावतार शास्त्री उपसभापति महोदय, मेरा संशोधन धारा (6) में है। इसमें जहां पर within such period as may be perscribed का उल्लेख है मैं चाहता हूं इसके लिए कुछ अवधि निर्धारित कर दी जाये। इस बात के चांसेज हैं और ऐसा होना भी है कि अधिकारी लोग देर कर देते हैं या सम्बन्ध रखते हैं उनसे जिनकी जमीनें हदबन्दी से ज्यादा होंगी, जिनकी जमीन ली जायेंगी और जिसके बारे में उन को कान्सिटेन्ट अधिकारी के सामने स्टेटमेन्ट दाखिल करना है। मैं चाहता हूं स्टेटमेन्ट दाखिल करने की अवधि निश्चित कर दी जाये। इस बात को अफसरों पर न छोड़ा जाये कि जब वे मीटीफ ई करेंगे तब स्टेटमेन्ट दाखिल किया जाये। मैंने इसीलिए कहा है है दस दिन की अवधि निश्चित कर दी जाये जिसके अन्दर उनको स्टेटमेन्ट देना है कान्सिटमेन्ट एथारिटी के पास ताकि काम जल्दी हो सके। बस केवल इतना ही मेरा मतलब है।

MR CHAIRMAN I shall now put amendments Nos 25 and 153 to the vote of the House

Amendments Nos 25 and 153 were put and negatived.

MR CHAIRMAN: The question is:

Page 9, line 2,—

after "incapacitated" *insert*,—

"and where both the husband and wife are absent from India or are mentally incapacitated from attending to their affairs, by any other person competent to act on behalf of the husband or wife or both," (128)

Page 8,—

after line 19, insert—

"Provided that in relation to any State to which this Act applies in the first instance, the provisions of this sub-section shall have effect as if for the words 'Every person holding vacant land in excess of the ceiling limit at the commencement of this Act', the words, figures and letters, 'Every person who held vacant land in excess of the ceiling limit on or after the 17th day of February, 1975 and before the commencement of this Act and every person holding vacant land in excess of the ceiling limit at such commencement' had been substituted," (137)

Page 8,—

for lines 28 and 29, *substitute*—

"(2) If the competent authority is of opinion that—

(a) in any State to which this Act applies in the first instance, any person held on or after the 17th day of February, 1975 and before the commencement of this Act or holds at such commencement, or

(b) in any State which adopts this Act under clause (1) of article 252 of the Constitution, any person holds at the commencement of this Act,

vacant land in excess of the ceiling limit, then, notwithstanding anything contained in" (138)

The motion was adopted.

MR. CHAIRMAN: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7 (*Filing of statement in cases where vacant land held by a person is situated within the jurisdition of two or more competent authorities*). *Amendment made:*

Page 9,

(i) in line 18,

for "where a person" *substitute*

"(1) Where a person";

(ii) *after* line 26,

insert

"(2) Where the extent of vacant land held by any person and situated within the jurisdiction of two or more competent authorities within the same State to which this Act applies is equal, he shall file his statement under sub-section (1) of section 6 before any one of the competent authorities and send intimation thereof in such form as may be prescribed to the State Government and thereupon, the State Government shall, by order, determine the competent authority before which all subsequent proceedings under this Act shall be taken to the exclusion of the other competent authority or authorities and communicate that order to such person and the competent authorities concerned.

(3) Where the extent of vacant land held by any person and situated within the jurisdiction of two or more competent authorities in two or more States to which this Act applies is equal, he shall file his statement under sub-section (1) of section 6 before any one of the competent authorities and send intimation thereof in such form as may be prescribed to the Central Government and thereupon, the Central Government shall, by order, determine the competent authority before which all subsequent proceedings shall be taken to the exclusion of the other competent authority or authorities and communicate that order to such person, the State Governments and the competent authorities concerned.' (114)

(*Shri K. Raghu Ramaiah*)

MR. CHAIRMAN: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 (*Preparation of draft statement as regard vacant land held in excess of ceiling limit*)

SHRI RAMAVATAR SHASTRI: beg to move:

Page 10, line 2,—

for "the period specified in the notice referred to in sub-section (3)" *substitute* "ten days" (26).

MR. CHAIRMAN: I now put amendment No. 26 moved by Shri Ramavatar Shastri to the vote of the House.

Amendment No. 26 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 8 stand part of the Bill".

The motion was adopted.

[Mr. Chairman]

Clause 8 was added to the Bill

Clause 9 (*Final statement*)

MR. CHAIRMAN: There are no amendments to clause 9. The question is:

"That clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 (*Acquisition of vacant land in excess of ceiling limit*).

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 10, line 16,—

for "As soon as may be"

substitute "within seven days" (27).

MR CHAIRMAN: I now put amendment No. 27 moved by Shri Ramavatar Shastri to the vote of the House.

Amendment No 27 was put and negatived.

Amendment made:

Page 11,—

for lines 13 to 15, substitute—

'*Explanation.*—In this section, in sub-section (1) of section 11 and in sections 14 and 23, "State Government", in relation to—

(a) any vacant land owned by the Central Government, means the Central Government;

(b) any vacant land owned by any State Government and situated in a Union territory or within the local limits of a cantonment declared as such under section 3 of the Cantonments Act, 2 of 1924, means that State Government.' (129)

(*Shri K. Raghu Ramaiah*)

MR. CHAIRMAN: The question is:

"That Clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, *as amended, was added to the Bill.*

Clause 11 (*Payment of amount for vacant land acquired*).

SHRI RAMAVATAR SHASTRI: beg to move:

Page 11, line 20,—

for "eight and one-third" *substitute* "one and one-half" (28)

Amendments made:

Page 12, line 11,—

omit "by any State Government". (130)

Page 12, line 40,

omit "by the State Government" (131)

(*Shri K Raghu Ramaiah*)

श्री रामावतार शास्त्री सभापति जी, यह मुआवजा देने से सबंधित मेरा संशोधन है । मुआवजे की राशि आप बहुत ज्यादा दे रहे हैं, इसलिये मैं ने यह संशोधन दिया है कि उस को कम किया जाय । आप ने सवा 8 टाइम से अधिक लगभग 9 गुना मुआवजा देने की बात की है । ऐग्रीमेंट निकालेंगे 5 साल का अगर वैकैन्ट लैंड से आमदनी होती है तो । और जितना होगा उसका करीब करीब 9 गुना होगा जो आप मुआवजे के रूप में देंगे । जमीन भी दीजिए, मकान भी दीजिए और इतना भारी मुआ बिजा भी दीजिए, इसे कदापि उचित नहीं कहा जा सकता भले ही सरकार कितना ही गाल क्यों न बजा ले । तो मैं यह निवेदन करना चाहूंगा कि अगर आप चाहते हैं कि जनता के पैसे का दुरुपयोग न हो क्योंकि इतना ज्यादा मुआवजा देना भी उसका दुरुपयोग

ही समझता हूं । क्या जनता ने अपने पैसे का दुरुपयोग करने के लिए आप को यहां भेजा है ? आप बड़े बड़े लोगों को बड़ी बड़ी राशियां मुआविजे के रूप में दे दें और आम जनता बिना घर के रहे, बिना भोजन के रहे और बिना कपड़े के मरती रहे । इसलिये मेरा निवेदन यह है कि इस को कम कर के डेढ़ गुना किया जाए और उस से ज्यादा यह नहीं होना चाहिए हालांकि होना तो यह चाहिए कि मुआ विजा उन को बिल्कुल नहीं मिलना चाहिए । आप उन को डेढ गुना पैमेन्ट कर दें लेकिन उस से ज्यादा नहीं क्योंकि 9 गुना मुआविजा देना अन्याय है, अत्याचार है और जनता को धोका देना है, उस को बेवकूफ बनाना है और उस के पैसे को उडाना है ।

MR. CHAIRMAN: The question is:

Page 11, line 20,—

for "eight and one-third" *substitute* "one and one-half" (28).

Let the Lobbies be cleared

The Lok Sabha divided:

Division No 17] [17.22 hrs.

AYES

Bhargavi Thankappan, Shrimati
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Jha, Shri Bhogendra
Jharbhande Rai, Shri
Mohammad Ismail, Shri
Sambhali, Shri Ishaque
Shastri, Shri Ramavatar

NOES

Agrawal, Shri Shrikrishana
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banera, Shri Hamendra Singh
Barupal, Shri Panna Lal
Basappa, Shri K
Basumatari, Shri D.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chhotey Lal, Shri
Chikkalingaiah, Shri K.
Dalbir Singh, Shri
Dalip Singh, Shri
Das, Shri Anadi Charan
Dasappa, Shri Tulsidas
Deo, Shri S. N. Singh
Gavit, Shri T. H.
Godara, Shri Mani Ram
Gopal, Shri K.
Gowda, Shri Pampan
Hari Kishore Singh, Shri
Hari Singh, Shri
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jeyalakshmi, Shrimati V.
Kailas, Dr.
Kapur, Shri Sat Pal
Kotrashetti, Shri A. K.
Laskar, Shri Nihar

Mahajan, Shri Vikram
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Mohan Swarup, Shri
Munsi, Shri Priya Ranjan Das
Oraon, Shri Kartik
Oraon, Shri Tuna
Painuli, Shri Paripoornanand
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Panigrahi, Shri Chintamani
Parashar, Prof Narain Chand
Patil, Shri Krishnarao
Peje, Shri S L
Raghu Ramaiah, Shri K.
Rai Shrimati Sahodrabai
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Rao, Shrimati B Radhabai A.
Rao, Shri K Narayana
Rao, Shri M S Sanjeevi
Rao, Shri Nageswara
Ravi, Shri Vayalar
Reddy, Shri K Ramakrishna
Reddy, Shri P Narasimha
Reddy, Shri Sidram
Rudra Pratap Singh, Shri
Saini, Shri Mulki Raj
Samanta, Shri S C
Satpathy, Shri Devendra
Sayeed, Shri P M.
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Sharma, Shri Nawal Kishore
Shastri, Shri Sheopujan
Sohan Lal, Shri T.
Swaran Singh, Shri
Tiwari, Shri Chandra Bhal Mani
Unnikrishnan, Shri K. P.
Yadav, Shri R. P.

MR. CHAIRMAN: The result* of the division is:

Ayes 10; *Noes*: 80.

The motion was negatived.

MR. CHAIRMAN: Now the question is:

"That Clause 11, as amended, stand part of the Bill."

The motion was adopted

Clause 11, *as amended, was added to the Bill.*

Clause 12 (*Constitution of Urban Land Tribunal and appeal to Urban Land Tribunal*)

SHRI M C DAGA I beg to move:

Page 13, line 20,—

add at the end—

'and its decision shall be final" (46)

SHRI K RAGHU RAMAIAH I beg to move

Page 13, line 13, —

insert at the end—

"or where the extent of such land situated within the jurisdiction of two or more Tribunals is equal, to any of those Tribunals " (132)

SHRI M C. DAGA: Sir, I want to speak I have suggested one amendment regarding sub-clause 5 of clause 12 It says 'In deciding appeals the Tribunal shall exercise all the powers which a civil court has and follow the same procedure which a civil court follows in deciding appeals against the decree of an original court under the

*The following Members also recorded their votes:—

AYES: Shri Biren Dutta.

NOES: Sarvashri Tarun Gogoi and R. K. Khadilkar

code of Civil Procedure, 1908. I have requested the Minister to add the words 'and its decision shall be final'. Please do away with clause 12. Why I have said this is, first, let there be a competent authority. The competent authority gives the decision. Under Clause 12 you have appointed a Tribunal. The State Government, by notification in the Official Gazette, consititutes one or more tribunals. This Tribunal will be the appellate authority. Here is an area in which a vacant land is situated. That tribunal will hear the appeal and give its decision Now, under the Civil Procedure Code, in order to avoid delay, they have even gone in second appeal. We want to do away with Section 100 and we say that in very special and exceptional circumstances and on question of legal propriety, then and then alone, the second appeal can be there. When you have already appointed a tribunal the tribunal will give its decision. It is appellate court Why do you give power to go for a second appeal to a high court? Therefore I requested you, when you want to expedite the matter, and you want to do away with delay, please do away with this thing. I hope the Minister will accept it.

SHRI K RAGHU RAMAIAH: As has earlier been stated as a measure of justice, in the case of Land Ceilings Bill, as in some of them, the appeal to the High Court is provided for I have already explained that.

MR. CHAIRMAN: First, I shall now put Government Amendment No. 132 to the vote of the House.

The question is:

"Page 13, line 13,—

insert at the end—

"or where the extent of such land situated within the jurisdiction of two or more Tribunals is equal, to any of those Tribunals:" (132).

The motion was adopted.

MR. CHAIRMAN: Mr. Daga, are you pressing your amendment?

SHRI M. C. DAGA: No, Sir.

SHRI BHOGENDRA JHA: This is a simple amendment. He cannot now withdraw his amendment.

MR. CHAIRMAN: I shall put amendment No. 46 moved by Shri Ramavatar Shastri to the vote of the House.

The question is:

'Page 13, line 20,—

add at the end,—

"and its decision shall be final" (46).

The Lok Sabha divided.

Division No 18]

[17.30 hrs.

AYES

Bhargavi Thankappan, Shrimati
Bhattacharyya, Shri S. P.
Dutta, Shri Biren
Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Mohammad Ismail, Shri
Sambhali, Shri Ishaque
Shastri, Shri Ramavatar

NOES

Agrawal, Shri Shrikrishna
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banera, Shri Hamendra Singh
Barupal, Shri Panna Lal

Basappa, Shri K.
Basumatari, Shri D
Bhagat, Shri H K L.
Bhargava, Shri Basheshwar Nat
Bheeshmadev, Shri M
Chandrakar, Shri Chandu'al
Chandrashekharappa Veer Shri T V
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chhotey Lal, Shri
Chikkalingaiah, Shri K
Dalbir Singh, Shri
Dalip Singh, Shri
Das, Shri Anadi Charan
Dasappa, Shri Tulsidas
Deo, Shri S N Singh
Gavit, Shri T H
George, Shri A C
Gopal, Shri K
Hari Singh, Shri
Hashim, Shri M M
Ishaque, Shri A K M
Jaffer Sharief, Shri C K
Jeyalakshmi, Shrimati V
Kailas, Dr
Kakodkar, Shri Purushottam
Kapur, Shri Sat Pal
Khadilkar, Shri R K
Kotrashetti, Shri A K
Laskar, Shri Nihar
Mahajan, Shri Vikram
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Mirdha, Shri Nathu Ram
Mohan Swarup, Shri
Munsi, Shri Priya Ranjan Das

Oraon, Shri Tuna
Painuli, Shri Pariposrinanand
Pandey, Shri Narsingh Narain
Panigrahi, Shri Chintamani
Pant, Shri K. C
Parashar, Prof Narain Chand
Patil, Shri Krishnarao
Peje, Shri S. L
Pradhani, Shri K
Raghu Ramaiah, Shri K
Rai, Shrimati Sahodarabai
Ram Singh Bhai, Shri
Rao, Shrimati B Radhabai A.
Rao, Shri Jagannath
Rao, Shri K Narayana
Rao, Shri M S Sanjeevi
Rao, Shri Nageswara
Ravi, Shri Vayalar
Reddy, Shri K Ramakrishna
Reddy, Shri P Narasimha
Reddy, Shri Sidram
Rudra Pratap Singh Shri
Samanta, Shri S C
Satpathy, Shri Devendra
Sayeed, Shri P M
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B
Sharma, Shri A P
Sharma, Shri Nawal Kishore
Shastri, Shri Sheopujan
Shinde, Shri Annasaheb P
Shivnath Singh, Shri
Siddheshwar Prasad, Prof
Sohan Lal, Shri T
Tiwari, Shri Chandra Bhal Mani
Unnikrishnan, Shri K P.
Yadav, Shri R. P.

MR. CHAIRMAN: The result* of the division is:

Ayes: 16; Noes: 86.

The motion was negatived

MR. CHAIRMAN: The question is:

"That clause 12, as amended, stand part of the Bill".

The motion was adopted.

Clause 12, *as amended, was added to the Bill.*

Clause 13 *was added to the Bill.*

Clause 14 (*Mode of payment of amount*)

MR. CHAIRMAN: Mr. Daga—absent. Shri Sequeira—absent.
The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 *was added to the Bill.*
Clauses 15 *to* 18 *were added to the Bill.*

Clause 19 (*Chapter not to apply to certain vacant lands*)

MR. CHAIRMAN: Shri Hari Kishore Singh.

SHRI HARI KISHORE SINGH: Not moving.

MR. CHAIRMAN: Amendment No. 133. Shri Raghu Ramaiah.

Amendment made:

Page 16,—

for line 23, *substitute*—

"or partly in one of the said capacities and partly in any other or the said capacity or capacities." (133)

(*Shri K. Raghu Ramaiah*)

MR. CHAIRMAN: The question is:

"That clause 19, as amended, stand part of the Bill".

The motion was adopted.

Clause 19, *as amended, was added to the Bill.*

Clause 20 (*Power to exempt*)

MR. CHAIRMAN: No. 48. Shri Daga—not present. No 70. Shri Sequeira—not present. No. 85. Shri Siddayya—not present.

The question is:

"That clause 20 stand part of the Bill".

The motion was adopted.

Clause 20 *was added to the Bill.*

Clause 21 *was added to the Bill.*

MR CHAIRMAN: Clause 22 Shri Siddayya has two amendments—he is not present.

The question is:

"That clause 22 stand part of the Bill".

The motion was adopted.

Clause 22 *was added to the Bill.*

Clause 23 *Disposal of vacant land acquired under the Act*)

MR. CHAIRMAN: Nos. 49—51 Shri Narayana Rao.

SHRI NARAYANA RAO: Not moving.

MR. CHAIRMAN: Nos. 71-72, Shri Sequeira—not present. No. 89, Shri Siddayya—not present.

Shri Raghu Ramaiah has amendments Nos. 115 and 141.

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*The following Members also recorded their votes:—

AYES: Shiv Dhen Bhattacharyya.

NOES: Sarvashri Kartik Oraon, Hari Kishore Singh and Tarun Gogoi.

[Mr. Chairman]

Amendments made:

Page 18,

after line 18

insert

"(5) Notwithstanding anything contained in sub-sections (1) to (4), where the State Government is satisfied that it is necessary to retain or reserve any vacant land, deemed to have been acquired by that Government under this Act, for the benefit of the public, it shall be competent for the State Government to retain or reserve such land for the same" (115)

Page 17, line 40 —

for "its employees" *substitute*—

"the employees of any industry" (141)

(*Shri K Raghu Ramaiah*)

MR CHAIRMAN The question is

"That clause 23, as amended, stand part of the Bill"

The motion was adopted

Clause 23, *as amended, was added to the Bill*

Clauses 24 *and* 25 *were added to the Bill*

Clause 26 (*Notice to be given before transfer of vacant lands*)

MR CHAIRMAN Shri Hari Kishore Singh No 98 He is not present Shri Raghu Ramaiah has amendments Nos 116 and 134

Amendments made.

Page 19,

after line 25

insert

"(3) For the purpose of calculating the price of any vacant land under sub-section (2), it shall be deemed that a notification under sub-section (1) of section 4, of the Land Acquisition Act, 1894 (1 of 1894) or under the relevant provision of any other corresponding law for the time being in force, had been issued for the acquisition of such vacant land on the date on which the notice was given under sub-section (1) of this section". 116)

Page 19, line 10,—

for "entitled to hold vacant land under this Act"

substitute

"holding vacant land within the ceiling limit" (134)

(*Shri K Raghu Ramaiah*)

MR CHAIRMAN The question is

"That clause 26, as amended, stand part of the Bill"

The motion was adopted

Clause 26, *as amended, was added to the Bill*

Clause 27 (*Prohibition on transfer of urban property*)

MR CHAIRMAN No 73, Shri Sequeira—not present No 117, Shri Raghu Ramaiah

SHRI K RAGHU RAMAIAH I am not moving it

SHRI DINEN BHATTACHARYYA Why?

SHRI K RAGHU RAMAIAH Because it is substituted by another amendment I have other amendments to move, Nos 142, 143, 144, 145, 146, 147 and 148

Amendments made

Page 19,—

for lines 27 to 29, *substitute*—

"being in force, no person shall transfer by way of sale, mortgage, gift, lease for a period exceeding ten years, or otherwise, any urban

or urbanisable land with a building (whether constructed before or after the commencement of this Act) or a portion only of such building for a period of ten years of such" (142)

Page 19, line 32,—

for "transfer any land" *substitute*—

"make a transfer" (143)

Page 20, line 1,

for "the transfer of the land" *substitute*—

"the transfer of the land with the building or, as the case may be, a portion only of such building" (144)

Page 20, line 4,—

for "such land" *substitute*—

"such land with building or portion only of such building" (145)

Page 20, line 11,—

for "such land" *substitute*—

"such land with building or portion only of such building" (146)

Page 20, lines 15,—

for "such land" *substitute*—

"such land with building or portion only of such building" (147)

Page 20,—

after line 17, *insert*—

"(6) For the purpose of calculating the price of the land and building or, as the case may be, a portion only of such building under clause (a) of sub-section (5), it shall be deemed that a notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (1 of 1894) or under the relevant provision of any other corresponding law for the time being in force, had been issued for the acquisition of that land and building or, as the case may be, a portion only of such building on the date on which the application was made under sub-section (2)." (148)

(Shri K. Raghu Ramaiah)

MR. CHAIRMAN: The question is:

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Clause 28 (*Regulation of registration of documents in certain cases*)

Amendment made:

Page 20, line 22,—

after "land" *insert*—

"or any building (including any portion thereof)" (149)

(Shri K Raghu Ramaiah)

MR. CHAIRMAN: The question is:

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to

Clauses 29 to 31 were added to the Bill.

MR. CHAIRMAN: There is a new clause 31(A)—amendment No. 135.

New Clause 31A

Amendment made:

Page 22,—

after line 14, *insert*—

31A. "*Jurisdiction of competent authorities and Tribunals in special cases.*—Where under sub-section (2) or sub-section (3) of section 7, the State Government or the Central Government, as the case may be, determines the competent authority or where, for the

[Mr. Chairman]

reason that the extent of the vacant land situated within the jurisdiction of two or more Tribunals is equal, an appeal has been preferred to any one of the Tribunals under sub-section (4) of section 12, then, such competent authority or Tribunal, as the case may be, shall, notwithstanding that any portion of the vacant land to which the proceedings before the competent authority or the appeal before the Tribunal relates, is not situated within the area of its jurisdiction, exercise all the powers and functions of the competent authority or Tribunal, as the case may be, having jurisdiction over such portion of the vacant land under this Act in relation to such proceedings or appeal." (135)

(*Shri K. Raghu Ramaiah*)

MR. CHAIRMAN: The question is:

"That New Clause 31A stand part of the Bill."

The motion was adopted.

New Clause 31A was added to the Bill.

Clause 32 to 44 were added to the Bill.

Clause 45 (*Power to make rules*)

Amendments made:

Page 24,

after line 33

insert—

"(bb) the form of intimation under sub-sections (2) and (3) of section 7;"; (118)

Page 24,

in line 34, for "in a statement"

substitute "in the statement" (119)

Page 25,

after line 10,—

insert—

"(ii) the particulars to be mentioned in the statement referred to in sub-section (1) of section 22;". (120)

(*Shri K. Raghu Ramaiah*)

MR. CHAIRMAN: The question is:

"That clause 45, as amended, stand part of the Bill."

The motion was adopted.

Clause 45, as amended, was added to the Bill.

Clause 46 was added to the Bill.

Schedules I and II were added to the Bill.

Clause 1 (*Short title, application and commencement*)

Amendment made:

Page 2, in line 16,—

for "and any reference"

substitute "and, save as otherwise provided in this Act, any reference". (99)

(*Shri Raghu Ramaiah*)

MR. CHAIRMAN: There is another amendment, No. 12 to this clause by Shri Ramavatar Shastri. Is he moving it?

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 2, line 5,—

for "Land" substitute "Property including buildings." (12)

MR. CHAIRMAN: The question is:

Page 2, line 5,—

for "Land" substitute "Property including buildings" (12).

The Lok Sabha divided.

Division No. 19]

[17.44 hrs.

AYES

Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Chowhan, Shri Bharat Singh
Dutta, Shri Biren
Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Mehta, Shri P. M.
Mohammad Ismail, Shri
Mukerjee, Shri H. N.
Patel, Shri H. M.
Sambhali, Shri Ishaque
Shastri, Shri Ramavatar
Singh, Shri D. N.

NOES

Agrawal, Shri Shrikrishna
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banera, Shri Hamendra Singh
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Bhagat, Shri H. K. L.
Bhargava, Shri Baheshwar Nath
Bheeshmadev, Shri M.
Chandrakar, Shri Chandulal
Chandrashekharappa, Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chavan, Shri Yashwantrao
Chikkalingaiah, Shri K.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Das, Shri Anadi Charan
Dasappa, Shri Tulsidas
Doda, Shri Hiralal
Gandhi, Shrimati Indira
George, Shri A. C.
Gogoi, Shri Tarun
Gopal, Shri K.
Hari Singh, Shri
Ishaque, Shri A. K. M.
Jaffer Sharief, Shri C. K.
Jeyalakshmi, Shrimati V.
Kailas, Dr.
Kamble, Shri T. D.
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kotrashetti, Shri A. K.
Laskar, Shri Nihar
Mahajan, Shri Vikram
Maharaj Singh, Shri
Majhi, Shri Kumar
Malaviya, Shri K. D.
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Melkote, Dr G. S.
Mirdha, Shri Nathu Ram
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohsin, Shri F. H.
Munsi, Shri Priya Ranjan Das
Oraon, Shri Karitk
Oraon, Shri Tuna
Painuli, Shri Paripoornanand
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Parashar, Prof. Narain Chand
Patil, Shri Krishnarao
Pele, Shri S. L.
Pradhani, Shri K.

Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodarabai
Ram Singh Bhai, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri Nageswara
Ravi, Shri Vayalar
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Narasimha
Reddy, Shri Sidram
Saini, Shri Mulki Raj
Samanta, Shri S C.
Satpathy, Shri Devendra
Sayeed, Shri P. M.
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A P.
Sharma, Shri Nawal Kishore
Shastri, Shri Sheopujan
Shinde, Shri Annasaheb P.
Shivnath Singh, Shri
Siddheshwar Prasad Prof.
Sohan Lal, Shri T.
Swaran Singh, Shri
Tiwari, Shri Chandra Bhal Mani
Unnikrishnan, Shri K. P.
Vikal, Shri Ram Chandra
Yadav, Shri R. P.

MR CHAIRMAN: The result* of the division is:

Ayes: 15; Noes: 95.

The motion was negatived.

MR. CHAIRMAN: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to Bill.

The Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI K. RAGHU RAMAIAH: Sir, I beg to move:

"That the Bill, as amended, be passed"

MR CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed"

SHRI KRISHNA CHANDRA HALDER (Ausgram): Mr. Chairman, Sir, this bill is a half-hearted bill and instead of bringing forward the urban property ceiling bill, the Minister has come forward with a bill which can be called "Urban Vacant Land Ceiling Bill". Sir, I want to put three or four questions Perhaps the hon Minister will answer them. First, I want to know about the distribution of land acquired by the Government and how and to whom it will be distributed. There is no guideline in the Bill. There are lands occupied by Bustee dwellers or slum dwellers, which are owned by hig urban landlords who are earning a lot of profit by way of rentals by paying nominal municipal taxes What will happen to those lands and what will be the fate of those slum dwellers who have no alternative land or house sites to live in? Mr. Dinen Bhattacharya has already spoken about the refugees from East Bengal who are settled in and around Calcutta in other places of West Bengal in squatters colonies. What will be their fate? Will those lands be distributed among those who are already settled there? This has not been clarified by the Minister.

Why should the same rate of compensation be given to the monopoly capitalist owners of the land and middle-class owners? Why not forefeit the land owned by the capitalists and distribute it to the slum dwellers?

*Shri Jagjivan Ram also recorded his vote for NOES.

The Bill is to be given retrospective effect from 17th February 75. Why not from 1st January 71? The minister said that some panchayat areas are also included. One need not get permission or sanction to build houses in panchayat areas. So, this point has to be clarified.

Perhaps you know, Sir, that when the Land Reform Act was passed in West Bengal, our party demanded that Calcutta should be included. But the Congress Party opposed it and excluded Calcutta from it. For 20 years, the capitalists have been earning huge profits and black money. I want to know whether all the lands, except their dwelling houses, all multi-storeyed buildings belonging to the rich people in metropolitan cities will be acquired or not. I demand that no compensation should be paid to any big land-owners or capitalists owning hundreds of houses in metropolitan cities. I demand that a foolproof, comprehensive urban property ceiling Bill should be brought as early as possible.

श्री रामावतार शास्त्री (पटना) : सभापति जी, भारतवर्ष की करोड़ों जनता और खास तौर से शहरों में रहने वाले गरीब लोग इस आशा में बैठे थे कि सरकार उन के हक में ऐसा शहरी सम्पत्ति हदबन्दी कानून पास करेगी जिस से आम गरीबों को जिन के पास मकान नहीं है, हजारों लाखों लोगों को, जो सड़कों पर और फुटपाथों पर निवास करते हैं, फायदा होगा। यह उनकी आशा थी। लेकिन इस विधेयक के पास होने के बाद उन्हें निराश होना पड़ेगा क्योंकि बहुत कम जमीन वर्तमान विधेयक के स्वीकृत होने के बाद उन्हें मिलेगी और जमीन इस लिये कम मिलेगी क्योंकि बहुत कम शहरों को इस के दायरे में लाने की कोशिश की गई है। ज्यादातर शहर इस के दायरे से छूट गये हैं। जैसा कि मैं ने पहले कहा था कि बिहार में 32 जिला हैडक्वार्टर्स में से केवल 4 जिला हैडक्वार्टर्स ही ऐसे होंगे जो कि इस विधेयक के अन्तर्गत आ सकेंगे। इसी तरह से हिन्दुस्तान के कोने कोने में हजारों शहर इस के दायरे से छूट जायेंगे और इस तरह से वहां के गरीबों को इस विधेयक से एक पाई का भी फायदा नहीं होगा। तो इस लिहाज से यह कानून बहुत ही अपूर्ण है जिस से उन गरीब लोगों की आशाएं पूरी नहीं होंगी और सरकार ने जो वायदा किया था वह भी अपने वायदे से इस कानून का पल्ला पकड़ कर मुकर रही है लेकिन जनता आप को मुकरने नहीं देगी और आन्दोलन कर के फिर आप को विवश करेगी कि सम्पूर्ण शहरी सम्पत्ति की हदबन्दी के सिलसिले में आप जल्द से जल्द बिल लायें।

दूसरी बात, सभापति जी, मैं यह कहना चाहता हूं कि आप ने मुआविजा तो दिया ही है जिस के बारे में हम पहले कह चुके हैं लेकिन आप कई नामों पर, कम्पनी के नाम पर, धार्मिक संस्थाओं के नाम पर, ट्रस्ट के नाम पर और तरह तरह के नामों पर जमीन छोड़ देंगे, तो जिन शहरों को आप इस विधेयक के दायरे में लाने की कोशिश कर रहे है, वहां भी बहुत सी जमीन इस तरह से निकल जाएगी और आप को ज्यादा भूमि नहीं मिलेगी। उदाहरण के तौर पर आप को मैं बतलाना चाहता हूं कि पटना के पास फुलवारी शरीफ में बिड़ला की 42 एकड़ जमीन है और आज से नहीं बीसियों वर्षों से। वहां एक ब्लूम पाइप की फैक्ट्री बनाने की बात कर रहे है। इस तरह से वहां पर उन्होंने किसानों की जमीन पर काफी समय से कब्जा कर रखा है और यह मसला हाई कोर्ट में चला गया है। तो ऐसी जमीन भी, जो आप का कानून है, उस से छूट जाएगी। जमीनों को उद्योग लगाने के नाम पर ले कर रख दिया गया है और उद्योग धंधे वहां पर खड़े नहीं किये जाते है जब कि जनता की मांग है कि वहां पर उद्योग धंधे खड़े किये जायें। इस तरह से फुलवारी शरीफ में 42 एकड़ जमीन बेकार पड़ी हुई है और यह एक उदाहरण मैं ने आप के सामने रखा है।

[श्री रामअवतार शास्त्री]

इसी तरह से आप जानते है कि मटवाले भी बहुत सी सम्पत्ति अपने पास रखते है शहरो मे भी और देहातों मे तो हजारो हजार एकड जमीन उन के पास है। ऐसी जमीन को भी आप छोड रहे है। यह क्या मखौल है ? आप ऐसा कानून ला रहे है जिस से ज्यादा से ज्यादा लोगो की जमीने निकल जाए और उन को आप इस तरीके से छूट दे रहे है। अगर इस तरह की बात होगी तो जाहिर बात है कि ज्यादा जमीन आप को नही मिलेगी। मै यह जानता हू कि लाखो करोडो लोगो को आप को जमीन दे कर बसाना है। जीवन के लिए आप उन को जमीन नही दे सकते लेकिन कम से कम इतनी जमीन तो उन को मिल जाए कि वह अपनी एक झोपडी डाल सके और एक छोटा सा मकान बना सके। पटना मे आज दस हजार लोग सडको पर बसते है और पी० डब्ल्यू० डी० की सडको पर एन्क्रोचमेंट कर के उन्हो ने मकान बनाए हुए है। सरकार उन को जमीन नही दे रही है और न वे स्वय उजडने के लिए तैयार है। सरकार प्रयत्न भी करती है तो रेसिस्टेंस होता है प्रतिरोध होता है और सरकार को पीछे हटना पडता है। अगर ऐसा नही करेंगे तो उन लोगो को बसायेंगे कैसे ? उनको बसाने के लिए आपको बहुत ज्यादा जमीन चाहिए। आप का उद्देश्य भी यह है कि आप गरीबी को मिटायेंगे उन को आगे बढ़ायेंगे कमजोर वर्ग को आगे बढायेंगे। इस उद्देश्य को अगर आप पूरा करना चाहते है तो इस कानून को आप पास कर दे लेकिन एक दूसरा सम्पूर्ण विधेयक आप सदन के सामने लाये और उस को अगले अधिवेशन मे पेश करे और उस को पास करवाये। आप ने अगर ऐसा किया तो जनता को सचमुच मे विश्वास हो सकेगा कि आप सही दिशा मे जा रहे है और फासिस्ट तथा प्रतिक्रियावादी तत्वो और इजारेदारो के खिलाफ, सचमुच मे लड रहे हैं फिर चाहे वे कारखानों के इजारेदार हों, या जमीनों के इजारेदार हों। जनता को समझाने के लिये यह जरूरी है कि दूसरा बल लाया जाए।

MR. CHAIRMAN Those of the Members who wanted to speak, had passed on chits to me Now it is over. The Minister will now reply

SHRI K RAGHU RAMAIAH The points raised by the two hon Members from the Opposition are those which I have already answered (*Interruptions*)

MR CHAIRMAN Those of the Members who wanted to speak had sent their chits to me I have called those Members to speak Mr Bhogendra Jha had enough occasion to speak on the debate No more discussion on the debate I call on the Minister to give the reply We are getting on to 6 O'clock

SHRI BHOGENDRA JHA In Chapter I here we have defined it under sub-sections (2) and (3) Sub-section (1) requires the State legislatures which have passed resolutions asking the Parliament to enact the legislation and in sub-section (3) there are the States under Central rule and the States which have passed the resolutions Tamil Nadu comes in neither of the categories All the States have been named here Only Tamil Nadu now gets excluded by this—unwittingly perhaps or by mistake what will happen? If you do not include Tamil Nadu in sub-section (3) of Chapter, will it be implemented? Secondly, the Minister had said that the directive will be sent to the States to issue notifications for including the towns and cities with one lakh of population Is it going to be done?

SHRI K RAGHU RAMAIAH: If the hon Member had read the bill properly, his doubt would have been cleared The States who have accepted, are only 10 or 11. There are

States other than Tamil Nadu which are also involved. I hope Tamil Nadu will not be left out for too long. (*Interruptions*). The other points raised by the hon. Members have already been explained. Anyhow, I shall briefly refer to the points raised by Mr. Dinen Bhattacharyya, and later on by Mr. Halder, about the refugees. I have said that if they are on government land, they stand excluded. If they are not on Government property, the State Governments have ample powers. I hope they will exercise them in favour of the refugees if it is justified. The State Governments can do what they like under Clause 23. I hope they will exercise their judgement judiciously. Clause 23(4) says:

> "Subject to the provisions of sub-sections (1), (2) and (3), all vacant lands deemed to have been acquired by the State Government under this Act shall be disposed of by the State Government to subserve the common good on such terms and conditions as the State Government may deem fit to impose."

It is a very very extensive power, and they can certainly exercise it in favour of the refugees, if they feel necessary to do so.

About the exemptions, I would like to say that we have not given any blanket exemption in favour of any industry. Certain categories, banks and some other institutions, are mentioned in the clause relating to exemptions So far as industries are concerned, any surplus land that they have will stand vested in the State Government. It is up to the industrialists to satisfy the State Government that the land which they have is necessary for expansion of the industry. Then it would be open to the State Government to give them such land as they think necessary. This is also covered by the clause which I have just now read out.

I have already dealt with the other points. I now move.

MR CHAIRMAN: The question is:

> "That the Bill, as amended, be passed".

The motion was adopted.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, February 3, 1976/Magha 14, 1897 (Saka)

GMIPND—M—2341 L S Jc 3691—978.